



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 23]

शिमला, शनिवार, 22 नवम्बर, 1975/1 अग्रहायण, 1897

[संख्या 47

विषय-सूची

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—	अनुपूरक	—

22 नवम्बर, 1975/1 अग्रहायण, 1897 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. Home (A)-7 (G)-15/75, dated the 4th November, 1975	Home Department	Acquisition of land under section 4 of the Land Acquisition Act, 1894 for construction of Water Supply Pipe-line, Pump House and Reservoir for Defence personnel at Kasauli, District, Solan.
No. HOM. (A)-7 (G)-15/75, dated the 4th November, 1975.	-do-	Acquisition of land under section 6 of the Land Acquisition Act, 1894 for construction of Water Supply Pipe-line, Pump House and Reservoir for Defence personnel at Kasauli, District, Solan.
No. 1-1/75-Housing, dated the 13th November, 1975.	Housing Department	Authorising the officers to issue the requisite certificates for the purpose of recovery of loans and interests.
नं० ई० एल० एन०-ऊना (एफ) 4-1/75, तिथि 14 नवम्बर, 1975.	कार्यालय जिलाधीश, ऊना	जनसाधारण के सूचना हेतु 18—धुन्धला खण्ड की धुन्धला पंचायत समिति के अध्यक्ष तथा उपाध्यक्ष के नामों की सूचना।
No. 7-5/70-DP (Apptt.)-II Vol. II., dated the 15th November, 1975.	Personnel Department	The Himachal Pradesh Judicial Service (Second Amendment) Rules, 1975.
No. Home (A)-A (3)-14/75-III, dated the 17th November, 1975.	Home Department	Republication of Orders, G.S.R. 503 (E), dated the 25th September, 1975 of the Government of India, Ministry of Home Affairs.
No. 7-4/73-Elec., dated the 17th November, 1975.	Election Department	The Himachal Pradesh Panchayat Samiti (Election) (First Amendment) Rules, 1975.
No. LLR-D (6) 15/75, dated the 20th November, 1975.	Law Department	Corrigendum to H. P. Co-op. Societies (Amendment) Ordinance, 1975 (Ordinance No. 4 of 1975).

भाग 1 --वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATION

Simla-1, the 28th October, 1975

No. HHC/GAZ/1-1/74.—In exercise of the powers vested in him under Article 229 of the Constitution of India, the Hon'ble the Chief Justice, High Court of Himachal Pradesh is pleased to order the following appointments/promotions with immediate effect:—

Sr. No.	Name and present designation	Post to which appointed/promoted
1.	Shri R. C. Malhotra, Assistant Registrar.	Deputy Registrar on temporary basis for a period of 3 years in the scale of Rs 900-50-1250.
2.	Shri B. K. Sharma, Superintendent (Administration).	Assistant Registrar vice Shri R. C. Malhotra in the scale of Rs. 700-40-1100.

S. S. KANWAR,
Registrar.

हिमाचल प्रदेश सरकार

DEPARTMENT OF PERSONNEL (A-I)

ADDENDUM

Simla-2, the 30th October, 1975

No. 3-17/66-DP(APPTT)Vol-II.—In this Department's notification of even number, dated the 30th September, 1975 the following sentence shall be added to para 1 thereof:—

“Sh. M. S. Mukherjee is also allowed to avail of the leave travel concession, as admissible under the rules.”.

NOTIFICATION

Simla-171002, the 11th November, 1975

No.10-4/73-DP-Apptt.—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor,

Himachal Pradesh is pleased to appoint Shri I. S. Chandel, Tehsildar, Barsar, District Hamirpur, to be the Executive Magistrate, with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of Barsar tehsil, District Hamirpur, with immediate effect.

SUNEETA DHINGRA,
Deputy Secretary.

ANIMAL HUSBANDRY DEPARTMENT

NOTIFICATION

Simla-171002, the 17th June, 1975

No. AHY-F(6)-6/75.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose for Milk Chilling Centre at Kunnu, District Mandi, it is hereby notified that the land in the localities described below is likely to be acquired for the above purpose.

2. This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, as applied to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection to the acquisition of any land in the localities may, within thirty days of the publication of this notification file an objection in writing before the Collector, Jogindernagar, Sub-Division, Jogindernagar, District Mandi.

SPECIFICATION

District: MANDI		Tehsil: JOGINDERNAGER	
Village	Khasra No.	Area in Big.	Kind of land
1	2	3	4
SEOH	311	0-2-5	Uncultivated.

S. M. VERMA,
Under Secretary.

FOREST DEPARTMENT NOTIFICATIONS

Simla-171002, the 27th October, 1975

No. 12-1-75. SF.—Whereas it is considered necessary that the rights of private persons in the portion of the forests described below shall remain suspended for a period of 10 years for purpose of restocking forest produce and regeneration in order to check erosion and whereas the remainder of such forest is sufficient and in a locality reasonably convenient for the due exercise of the rights.

Now, therefore, in exercise of the powers conferred by section 39(c) of the Indian Forest Act (XVI) of 1927 as applied to Himachal Pradesh situated in Kunihar Forest Division as per schedule given below be closed for a period of 10 (ten) years from the date of this notification and during this period the following rights shall not be exercised by persons:—

- (1) grazing of all animals throughout the year,
- (2) lopping and cutting of trees, shrubs and bushes throughout the year,
- (3) grass cutting throughout the year.
- (4) removal and quarrying the stones, the burning of lime or charcoal and breaking up or clearing for cultivation, for building, for herding cattle throughout the year except path from one village to the other and quarrying of 'Mokol' (white-wash), collection of pine needle and dry fuel-wood.

Note.—Grass cutting may be permitted free to the right-holders on permits after the rains at the discretion of the Divisional Forest Officer, Kunihar.

SCHEDULE

Sl. No.	District	Name of Forest	Total area in acres	Closed area in acres	Boundaries
1	2	3	4	5	6
1	Solan	Ekhu C.I.	369	80	<p><i>North-West.</i>—Forest boundary from B.P. 1 to B.P. 2.</p> <p><i>North.</i>—Forest boundary from B.P. 2 to B.P. 3.</p> <p><i>South-East.</i>—A spur ascending from B.P. 3 to the temple at the top.</p> <p><i>South-West.</i>—Main hill along ridge from the temple at the top to B.P. 1.</p>
2	Solan	Dhar Chamba C. I.	218	65	<p><i>North-West.</i>—A nullah descending from B.P. 11 and emerging lower down between BP 6 and BP 7.</p> <p><i>North.</i>—Forest boundary from the above nullah to B.P. 8 via B.P. 7.</p> <p><i>East.</i>—Forest boundary from B.P. 8 to B.P. 9.</p> <p><i>South.</i>—Forest boundary from B.P. 9 to B.P. 11.</p>
3	-do-	Chahalwana C.I.	177	45	<p><i>North-East.</i>—Forest boundary from B.P. 1 to B.P. 5.</p> <p><i>South-East.</i>—A nullah descending to B.P. 5 from a flat water pond, a little below the bridge path almost in the centre of the forest.</p> <p><i>South-West.</i>—Bridle road from Saliach to Loharghat via Suna Forest.</p> <p><i>West.</i>—Forest boundary below the Saliach-Loharghat bridge path from B.P. 16 to B.P. 1.</p>
4	-do-	Suna C.I.	555	80	<p><i>North.</i>—A nullah descending from little north of B.P. 27 and emerging near B.P. 19 lower down.</p> <p><i>East.</i>—Forest boundary from above-mentioned nullah B.P. 19 to B.P. 22.</p> <p><i>South.</i>—Forest boundary from B.P. 22 to B.P. 23.</p> <p><i>West.</i>—Forest boundary from B.P. 23 to the nullah descending from a little north of B.P. 27.</p>
5	-do-	Luna C.I.	222	22	<p><i>North.</i>—Forest boundary from B.P. 1 to B.P. 4.</p> <p><i>East.</i>—From B.P. 4 to midway between B.P. 20 and B.P. 21 along the foot of a hillock.</p> <p><i>South.</i>—Forest boundary from a little west of B.P. 20 to B.P. 22.</p> <p><i>West.</i>—Forest boundary from B.P. 22 to B.P. 1.</p>

1	2	3	4	5	6
6	Solan	Kalti C.2 (b)	199	69	<p><i>North.</i>—Forest boundary from a spur descending a little west of B.P. 4 to B.P. 5.</p> <p><i>East.</i>—Forest boundary from B.P. 5 to B.P. 7.</p> <p><i>South.</i>—Forest boundary from B.P. 7 to B.P. 8.</p> <p><i>West.</i>—A spur descending from B.P. 8 to a little west of B.P. 4.</p>

Simla-171002, the 29th October, 1975

No. 12-15/75-SF.—Whereas the owners of the majority of shares in the land specified in the following schedule have with a view to the conservation of Forests thereon, represented in writing to the Collector of Sirmur District that the said land may be managed on their behalf by the Himachal Pradesh Government as protected forest on such terms as may be mutually agreed upon.

Now, therefore, the Governor of Himachal Pradesh, in exercise of the powers conferred by section 38 of the Indian Forest Act, 1927, is pleased to declare that sections 30, 32, 33, 34 and 68 of the said Act shall apply to the lands specified in the following schedule.

SCHEDULE

District: SIRMUR *Tehsil:* PACHHAD

Village/ H. B. No.	Total Area of H.B	Khasra No. Closed	Area Closed
1	2	3	4
DHAYA No. 47.	52.79 Hectare,	2/2, 38/31 min	70 Bighas 1 Biswa = 5.67 Hectares.

By order,
P. K. MATTOO,
Secretary.

Simla-171002, the 4th November, 1975

No. 30-1/75-SF (Corpn.).—The Governor, Himachal Pradesh is pleased to appoint Shri Babu Ram Mandial, Chief Parliamentary Secretary, Himachal Pradesh, who has already been appointed as the Director of the Himachal Pradesh State Corporation Ltd. *vide* this Government notification of even No. dated 11th July, 1975, as the Vice-Chairman of the aforesaid Corpo-

ration, under Article 24 read with Article 25 of the Articles of Association of the Himachal Pradesh Forest Corporation Ltd.

U. N. SHARMA,
Chief Secretary.

Simla-171002, the 11th November, 1975

No. 11-56/75-SF.—In exercise of the powers vested in him under sub-section (2) of section 2 of the Indian Forest Act, 1927 (Act No. XVI of 1972), the Governor of Himachal Pradesh is pleased to order that in this Department notification of even number, dated 9th September, 1975, published in the Rajpatra Himachal Pradesh dated 20th September, 1975, for the words and sign comma, "Divisional Manager and Assistant Manager" the words and sign commas, "Divisional Managers, Sub-Divisional Managers, Assistant Managers", shall be substituted.

P. K. MATTOO,
Secretary.

GENERAL ADMINISTRATION DEPARTMENT

(D-SECTION)

NOTIFICATION

Simla-171002, the 29th October, 1975

No. 12-16/70-GAD-II (Pub.).—In continuation of this Department notification of even number, dated the 16th July, 1975; the Governor of Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission *vide* their letter No. 2-88/73-PSC, dated the 21st October, 1975, is pleased to extend the period of *ad hoc* appointment of Sh. Sarju Parshad, permanent Senior Photographer in the scale of Rs. 300-25-600 to the post of Film and Photo Officer, Class-II (Gazetted) in the scale of Rs. 350-25-500-30-800/40-1000 (now revised to Rs. 350-900 with effect from 14-8-1974) on purely temporary *ad hoc* basis in the leave vacancy *w.e.f.* 1-10-1975 to 31-12-1975 or till the post is filled on a regular basis, whichever is earlier.

B. D. SHAUNAK,
Under Secretary.

NOTIFICATION

Sl. No.	Name of the landowner	Tika	Village	Khasra No.	Area K. M.	Classification	Rate per Kanal offered in Rs.	Amount offered
1	2	3	4	5	6	7	8	9
1.	Shri Gurbax Singh.	Chornali	Bandla	Kita 1	115 11	Kharetar	225/-	25,998.75
						Cost of trees		3,437.93
						Total ..		29,436.68
2.	Shri Subjeet Singh.	-do-	-do-	Kita 6	247 17	Kharetar	225/-	55,766.25
						146.10 cost of Banjar trees		1,398.71
						Qadim Total 101-7		57,164.96
3.	Shri Niranjan Singh.	-do-	-do-	Kita 13	298 18	Kharetar	225/-	65,227.50
						256.6 cost of Banjar trees		3,098.00
						Qadim Total ..		68,323.50
						13-14. Gajrumkin 19-18.		
4.	Shri Kanwal Jeet Singh.	-do-	-do-	Kita 5	67 1	Kharetar	225/-	15,086.25
						9-17 cost of banjarqadim trees		458.24
						Total .. 57-4		15,544.49

1	2	3	4	5	6	7	8	9
5.	Gram Panchayat Chornali	Chornali	Bandla	Kita 6	33	7.	Gairmumkin 225/-	7,503.75
6.	Zila Parishad	-do-	-do-	Kita 4	12	5	Gairmumkin 225/-	2,756.25
7.	Gram Panchayat Deh	Surer	-do-	Kita 4	349	6	Banjer Qadim 348-8. Gairmumkin 0-18	225/- 78,592.50
<i>Note.</i> —Cost of trees Rs. 17,835.30 payable to Forest Department.								
8.	National Biological Research Institute Palampur.	Muhal Holta.	Muhal Holta.	Kita 2	9	0	Gairmumkin 225/-	2,025.00
9.	Total 24 shares	Chandpur	Bandla	Kita 2	58	0	Banjar Qadim 225/-	13,050.00
							Cost of 47-18. trees Ban Khareter 10-2.	341.79
							Total ..	13,391.79

Sarveshri Partap Singh, Chambal Singh, Kalyan Singh, Sakater Singh s/o Rupa 4 shares in equal share, Karam Singh, Govardhan Singh, Kehab Chand s/o Bhim Sen one share in equal shares of one-fourth share, Mohinder Singh, Par Singh s/o Bir Singh in equal share of 1/4 share, Smt. Narbada wd/o Lakhu 1/4 share, Punjab Singh, Kartar Singh, alias Parmoh Singh ss/o Ranpat in equal share of 1/4 share of 4 shares, Udhman Singh s/o Rihju one share Smt. Kalin Devi widow, Parshotam Chand, Prithi Chand, Dharam Chand s/o Kanshi Ram in equal share of one share. Sub. Randhir Singh s/o Phuli Ram 2 shares. Sarad Chand s/o Kharku 4 shares. Khushal Singh s/o Ram Singh one share. Smt. Savitri Devi widow, Shamsher Singh, Dharub Singh, Basudev Singh ss/o Mangat Ram equal share in one share. Kuli Dass, Munshi Ram ss/o Ram Singh equal share in 2 shares of 1/4 share. Charat Singh, Bainsi Chand, Malha Singh ss/o Tek Singh equal share in 3 shares. Randhir Singh s/o Amar Chand one share, Kartar Singh son, Smt. Krishan Devi daughter, Smt. Gian Devi d/o Tek Singh equal share of one share in 1/4 share. Darmej Chand, Himal Chand, Bidhi Chand sons, Smt. Prabhi widow, Smt. Jogeshwari Devi, Smt. Sarwati Devi d/o Lachhman Singh, and Smt. Uma Prii d/o Smt. Savitri equal share 1/4 share. Wazir Singh s/o Lehn 1/8 share, Smt. Biasan Devi widow, Harnam Singh, Rajinder Singh sons, Smt. Santosh Kumari d/o Dasaundhi Ram equal share of 1/8 share in 6 shares. Shiv Singh, Jiwa Nand, Gopi ss/o Tega equal share of one share. Hiru s/o Husknaki one share, Vijay Sen, Ranjit ss/o Jai Singh equal share of one share Shri Pat s/o Raj Mal one share in 6 shares.

10.	Narinder Nath	Chandpur	Bandla	Kita 1	10	00	Banjar Qadim 225/-	2,250.00
							Cost of trees	243.03
							Total ..	2,493.03
Grand Total				Kita 44	1192	5	Kharetar Banjer Qadim Ban Kharetar. Gairmumkin 528-4 578-11 10-2 75-8	Rs. 2,95,067.25 (including cost of trees viz. Rs. 17,835.30).

By order,
U. N. SHARMA,
Chief Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATIONS

Simla-171002, the 1st November, 1975

No. 11-19/75-H&FP.—The Governor, Himachal Pradesh is pleased to re-designate the post of Lecturer in Ophthalmology in Himachal Pradesh Medical College, Simla as Assistant Professor in the scale of pay of Rs. 900-50-1150/50-1300 and to make the appointment of Dr. B. K. Sofat against the post w. e. f. 4th September, 1975.

By order,
R. C. GUPTA,
Secretary.

Simla-2, the 4th November, 1975

No. 1-36/75-H&FP.—The Governor, Himachal Pradesh, is pleased to extend the *ad hoc*/temporary appointments of the following Dental Surgeons upto the dates shown against each or till the posts are filled up on a regular basis, which ever is earlier:

- | | | |
|---------------------------|-----------------------------|-----------------------|
| 1. Dr. P. Raina | District Hospital, Una. | Extended upto 30-9-75 |
| 2. Dr. (Mrs) Sarla Sharma | District Hospital Hamirpur. | do |

3. Dr. Subhash Civil Hospital, extended upto
Chand Aggarwal, Paonta. 29-6-75 (Apptt.
regularised from
30-6-75.
4. Dr. Devinder Referral Hospital extended upto
Nath Gupta, Sarkaghat. 30-9-75.
5. Dr. (Mrs.) District Hospital, extended upto
Subhash Vatsyan, Kalpa (absenting from
duty from 26-4-75.
HARI SINGH,
Deputy Secretary.

INDUSTRIES DEPARTMENT

NOTIFICATIONS

Simla-2, the 26th July, 1975

No. 9-55/75-SI(FC).—The Governor of Himachal Pradesh is pleased to order publication of Annual Report and Accounts for the year 1974-75 of the Himachal Pradesh Financial Corporation in the Official Gazette as required under sub-section (3) of section 38 of the State Financial Corporation Act, 1951.

By order,
P. K. MATTOO,
Secretary.

Report of the Board of Directors of the

HIMACHAL PRADESH FINANCIAL CORPORATION for the year ended on 31st March, 1975

(Under Section 36 of the State Financial Corporations Act, 1951)

The Board of Directors present herewith the Eighth Annual Report on the working of the Corporation together with the Audited Statement of Accounts for the year ended the 31st March, 1975.

Review of Operations during the year

The Corporation achieved an all round progress in the sanctioning of the advances and other financial assistance. Aggregate financial assistance sanctioned during the year 1974-75 was Rs. 302.40 lacs which is substantially higher, at 98 % over the sanctions of 1973-74 of Rs. 152.50 lacs.

The sanctions of Rs. 302.40 lacs during the year is the highest so far in any previous year. As a result, the aggregate sanctions since the inception of the Corporation went upto Rs. 796.39 lacs. The average sanctions worked out to Rs. 70.57 lacs per year till last year and the same improved considerably to Rs. 99.55 lacs during the year under report. The Corporation has sanctioned 698 applications since its inception which also include 140 applications for the year 1974-75. In spite of restrictions on the supply of vehicles from the manufacturers throughout the country, increase in the prices of vehicles and machinery, raw material and shortage of fuel and furnace oil etc. the over-all disbursement made during the year revealed improvement in aggregate disbursement over the previous year.

The disbursement of industrial loans depend mostly on the progress in the execution of assisted projects and completion of various formalities, the pace

of disbursements as compared to sanctions gained momentum in spite of the fact that a large part of loans were sanctioned in later half of the year and thus only a small proportion of disbursement could be effected against such sanctions.

Position of Applications Sanctioned and Disbursement of Loans

The amendments to the State Financial Corporations Act, 1951, in December, 1972, had widened the scope of work of the Corporation and enhanced the limit of accommodation to Companies and Co-operative Societies. This helped the Corporation to entertain applications exceeding Rs. 20 lacs and four such applications were received out of which three were sanctioned.

The Corporation started availing foreign currency loans under IDA Line of Credit through the Industrial Development Bank of India. The operational guidelines suggested by the Reserve Bank of India have been implemented. The Corporation during the year sanctioned three proposals for import of Capital goods and foreign currency loans aggregating to Rs. 8.05 lacs. Total sanctions under IDA Line of Credit amounted to Rs. 19.08 lacs in respect of three units out of which foreign currency loan amounted to Rs. 13.23 lacs and balance amount pertained to rupee component against which a sum of Rs. 2.56 was availed through Industrial Development Bank of India.

The Corporation continued to entertain applications for loans from Rs. 0.10 lacs to Rs. 15.00 lacs from concerns other than those organised as Companies and Registered Co-operative Societies and up to Rs. 30.00 lacs from Companies and Registered Co-operative Societies.

The Corporation during the year under review, received 173 applications for the aggregate amount of Rs. 369.69 lacs (including 8 applications for additional loan from existing loanes for an amount of Rs. 36.48 lacs) which together with those pending at the close of the last year made a total of 190 applications for Rs. 417.72 lacs from variety of industries such as Hotels, Transport, Chemicals, Stone Quarrying, Steel Re-rolling Mills, Cement Products and Rubber Products etc.

During the year 1974-75, the Corporation considered 158 applications for Rs. 343.58 lacs. Disbursement of Rs. 61.77 lacs was effected against our new sanctions and a sum of Rs. 49.37 lacs was disbursed against our previous partially disbursed sanctions, thus making total disbursement of Rs. 111.14 lacs. Adding disbursement of Rs. 312.18 lacs upto 31st March, 1974, the total disbursement at the close of the year stood at Rs. 423.32 lacs.

The Corporation continued to act as Agent of the Government of India for disbursement of subsidy under Central Outright Grant or Subsidy Scheme, 1971, to those units which were located in specified Backward Districts and had obtained financial assistance from the Corporation. During the year under review, the State Level Committee appointed by the Government of Himachal Pradesh, sanctioned subsidy to 46 units amounting to Rs. 75.30 lacs in respect of units assisted by the Corporation. Adding the sanctions of previous year under the Scheme, the total sanctions stood at Rs. 103.53 lacs to 61 units. The Corporation disbursed an amount of Rs. 22.29 lacs to 24 new units besides to those units which were partially disbursed during the previous year. Adding

the disbursements of previous year, the total disbursement stood at Rs. 34.28 lacs to 36 units. The Corporation had field claims for entire amount of subsidy disbursed with the Government of India and has received Rs. 14.46 lacs during the year under review. A sum of Rs. 7.14 lacs was however, received in April, 1975, leaving a balance of Rs. 12.28 lacs recoverable from the Government of India besides the interest (Rs. 1.33 lacs upto 31st March, 1975) from the date of disbursement to the date of re-imbursement. Efforts are being made to recover the amount expeditiously.

Industry-wise statement based on the International Standard of Industrial Classification showing applications received, sanctioned, rejected, withdrawn or lapsed and the amount actually disbursed to the respective industries upto 31st March, 1974 and from 1st April, 1974 to the 31st March, 1975, are separately given in Appendix A Part I and II respectively. The information in Part I also includes the operational results of erstwhile Punjab Financial Corporation upto 31st March, 1967, in respect of industries located in the areas comprising the present State of Himachal Pradesh. However the position of applications for the year under review as also the cumulative figures at the close of the year are given in the following table:

Particulars	Small Scale		Others		Total	
	No.	Amount	No.	Amount	No.	Amount
	(Rs. in lacs)		(Rs. in lacs)		(Rs. in lacs)	
Applications pending at the beginning of the year	15	22.83	2	25.20	17	48.03
Total applications received	166	264.34	7	105.35	173	369.69
Total applications sanctioned	131	177.70	9	124.70	140	302.40
Total applications rejected	2	1.18	—	—	2	1.18
Total applications withdrawn, lapsed, closed, etc.	16	19.27	—	—	16	19.27
Total applications less sanctioned	17	14.88	2	5.85	19	20.73
Total applications pending	32	74.14	—	—	32	74.14
Loans sanctioned (effective)	380	421.08	11	229.95	391	651.03
Loans disbursed	480	317.45	8	105.86	488	423.31

Amount-wise, Industry-wise, District-wise and Constitution-wise classifications of loans upto 31st March, 1975, are given in Appendix 'B', 'C', 'D' and 'E' respectively.

The following statement will show at a glance the net results of the working of the Corporation upto the year 31st March, 1975:—

	Rs.
Loans sanctioned upto the 31st March, 1975	7,96,39,154.00
Less sanctions declined/cancelled/withdrawn	75,37,256.37
Net sanctions	7,21,01,897.63
Less Cases fully repaid	69,99,007.42
Effective sanctions	6,51,02,890.21
Net sanctions as above	7,21,01,897.63
Less: loans not disbursed in respect of sanctions fully repaid	5,56,114.69
Less: Loans disbursed to 488 concerns	4,23,31,178.27
Balance of loans commitments	2,92,14,604.67
Total loans outstanding as on 31st March, 1975	3,00,69,703.30

At the end of the year 32 applications for an aggregate amount of Rs. 74.14 lacs were pending for consideration.

A close contact with the various development agencies in the Pradesh has borne good fruits and the activities of the Corporation are being publicised in various functions, seminars organised by the Directorate of Industries and Small Industries Service Institutes.

It will seen from the above that 173 number of loan proposals received during the year have registered a remarkable increase over the figure of 113 during the previous year. The gross sanction of 140 loans during the year for aggregate amount of Rs. 302.40 lacs is highest so far. The sanctions withdrawn/reduced during the year

were of the order of Rs. 9.32 lacs and pertain mainly to general industries. Such action arose because either the parties were not serious in implementing the schemes or could not comply with the terms and conditions of the loan.

As compared to last few years, the lending operations of the Corporation made some remarkable changes. The Corporation in 1970 liberalised its policy for financing transport industry and this liberalisation gave a good start and during the very first year, the Corporation became self sufficient. The outstanding amount at the close of earlier years along with disbursements mainly pertained to transport industry. However, with the announcement of various incentives to the industries by the State Government and introduction of Central Outright Grant or Subsidy Scheme, 1971, for units located in backward areas, the position changed to a greater extent and loans to general industries exceeded the loans to transport industry. The Corporation considers its privilege to publicise various incentives announced by the State/Central Government and necessary guidance is provided to the interested entrepreneurs.

The year under report has strengthened the foundations of the Corporation and it is expected that the pace of progress achieved so far will be maintained in future.

RATE OF INTEREST

The present lending rate structure of the Corporation came into force with effect from 22nd July, 1974, consequent upon the revision in the bank rate, and is as under:

(a) Loans to small scale industries

4½% above the bank rate with a minimum of 13½% per annum with 1% rebate for prompt payment of principal and interest on due dates.

From the date of refinance, the rate would be $4\frac{1}{2}\%$ above IDBI's refinance rate, with a minimum of $11\frac{1}{2}\%$ per annum, with a rebate of 1% for prompt payment of principal and interest on due dates.

(b) Loans to Industries (other than Small Scale Industries) and Hotel Industries

$4\frac{1}{2}\%$ above the bank rate with a minimum of $13\frac{1}{2}\%$ per annum with a rebate of 1% for prompt payment of principal and interest on due dates.

The rate from the date of refinance would be $4\frac{1}{2}\%$ above the IDBI's refinance rate with a minimum of 13% per annum with a rebate of 1% for prompt payment of principal and interest on due dates.

(c) Loans to Transport Vehicles

$5\frac{1}{2}\%$ above the bank rate with a minimum of $14\frac{1}{2}\%$ per annum with a rebate of 2% for prompt payment of principal and interest on due dates.

The rate from the date of refinance will be $5\frac{1}{2}\%$ above the IDBI's refinance rate subject to a minimum of 14% per annum with a rebate of 2% for prompt payment of principal and interest on due dates.

(d) Industries located in Backward Areas

The rate of interest from the date of refinance would be $4\frac{1}{2}\%$ above the IDBI's refinance rate subject to a minimum of 10% per annum with a rebate of 1% for prompt payment principal and interest on due dates.

(e) Loans under IDA Line of Credit (From the date of refinance-Foreign Exchange Components only)

(i) To Small Scale Industries units covered under Credit Guarantee Scheme, technician entrepreneurs scheme and units located in specified Backward Areas.

$3\frac{1}{2}\%$ above the IDBI's rate subject to a minimum of $11\frac{1}{2}\%$ per annum with a rebate of 1% for prompt payment of principal and interest on due dates.

(ii) Cases other than covered in (i) above.

$3\frac{1}{2}\%$ above the IDBI's refinance rate subject to a minimum of 12% per annum with a rebate of 1% for prompt payment of principal and interest on due dates.

MARGIN

During the year under review, no change in the margin retained by the Corporation against the security was made and the same stood as under:—

1. Medium Scale Industries	30%
2. Small Scale Industries	25%
3. Hotel Industry	25%
4. Transport Industry	20% (50% in respect of body, in case the body is fabricated outside Himachal Pradesh)
5. Loans exclusively for Working Capital	50%

All eligible loans to small scale industries were got guaranteed from the Credit Guarantee Organisation and guarantee fee was paid by the Corporation. Similarly eligible loans in respect of the transport industry were got guaranteed from the Credit Guarantee Corporation of India Limited (subsidiary of Reserve Bank of India) and the guarantee Commission was charged from the borrowers, the rate being $\frac{1}{2}\%$ per annum.

RAISING OF ADDITIONAL FUNDS

Refinance

It is a matter of gratification that liquidity position of the Corporation throughout the year remained very satisfactory. Besides the realisation of principal and its interest from loanee concerns, the Corporation took full advantage of refinance facility offered by Industrial Development Bank of India which became a very handy source for augmenting the resources of the Corporation.

During the year under review, the Corporation approached the Industrial Development Bank of India for refinance of 110 cases for Rs. 239.78 lacs which together with 12 cases pending at the close of previous year made a total of 122 applications for Rs. 296.14 lacs. The Corporation availed of refinance to the extent of Rs. 80.42 lacs during the year under review. The balance amount would be availed of as and when necessity arises. At the close of the year 27 applications for Rs. 153.23 lacs were under consideration with the industrial Development Bank of India.

The above position has been summed up as under:

	No.	Amount
	1	(Rs. in lacs)
(i) No. of applications pending with IDBI at the beginning of the year:		
Small Scale	11	39.36
Others	1	17.00
Transport	—	—
	12	56.36
(ii) No. of applications submitted to the IDBI during 1974-75:		
Small Scale	35	118.76
Transport	69	45.93
Others	6	75.09
	110	239.78
(iii) Refinance sanctioned:		
Small Scale	24	76.18
Transport	62	44.19
Others	1	14.21
	87	134.58

(iv) Refinance availed of:

	1	2
Small Scale	14+ (8)	30.08
Transport	24+ (5)	14.38
Others	1+ (2)	35.96
	39+ (15)	80.42

Note.—Figures in brackets indicate the partially disbursed cases of previous years.

(v) No. of applications lapsed, withdrawn or rejected:

Small Scale	1	2.25
Transport	7	1.74
Other	—	—
	8	3.99

(v) No. of applications pending with the Industrial Development Bank of India:

Small Scale	21	78.1
Transport	—	—
Others	6	75.09
	27	153.23

The total refinance availed of by the Corporation upto 31st March, 1975, amounted to Rs. 2,22,61,238.84 and the Balance outstanding stood at Rs. 1,51,33,599.84.

Floatation of Bonds

In order to further augment its resources, the Corporation resorted during previous year to borrowing from the Reserve Bank of India, against *ad hoc* bond of the face value of Rs. 40.00 lacs against which maximum amount of Rs. 35.00 lacs could be borrowed. This facility was originally for 12 months and was got extended for another six months. The Corporation borrowed Rs. 25.00 lacs during the previous year against the said bond and repaid Rs. 21.00 lacs during the year under review. The Corporation also floated regular bonds of Rs. 25.00 lacs with 100% excess contribution. The said bonds were fully subscribed to the extent of Rs. 27.50 lacs.

The statement indicating the sources and uses of funds during the year under report is attached as Appendix 'II'.

REPAYMENTS

Progress of Repayment

The total amount of interest due on loans during the year under review was Rs. 26.95 lacs out of which an amount of Rs. 23.57 lacs was actually received, which also included part payment of interest in arrear at the close of the previous year. The default at the close of the year under review stood at Rs. 7.17 lacs. Further a sum of Rs. 6.19 lacs accrued as interest on the total advances during the year under review, but this actually falls due for payment after 31st March, 1975.

According to the schedule of repayment of principal, the total amount which fell due during the year under review was Rs. 50.98 lacs. The actual repayment of principal, however, amounted to Rs. 40.43 lacs which also included part repayment, in respect of principal in arrear at the close of the previous year. The defaults at the close of the year under review amounted to Rs. 29.54 lacs. The percentage of cumulative defaults to total outstanding works out to 12.2%. Delays and defaults in the repayment of loans were mainly due to inflationary trends, marketing problems, non-availability of prompt power

connections, scarcity of controlled raw material, furnace oil and fuel etc. with the result that the defaulted units could not run to the full capacity.

Irregular Accounts

In cases of parties which were not in a position to clear the accumulated arrears, re-scheduling of loans was done with a view to mitigating their hardships. Some of the units which were not working satisfactorily for want of money were also sanctioned additional loans. In cases where all efforts to recover the arrears failed, legal proceeding were instituted. At the close of the year, 18 cases against which legal proceedings have been initiated involving Rs. 30.94 lacs were pending in various Courts and were being vigorously pursued. It is expected that most of the cases are likely to be decided in favour of the Corporation during the next financial year.

Premature Re-payment

In addition to the above, an amount of Rs. 2.16 lacs was received from the loanee concerns prematurely, mostly of transport category.

Defaults

The Statement given below shows the figures of repayments and defaults at the end of the year.

	Principal Rs.	Interest Rs.
Arrears outstanding at the beginning of the year	18,99,212.18	8,79,188.01
Amount due during the year	50,98,137.29	26,94,539.13
	69,97,349.47	35,73,727.14
Amount received during the year	40,43,069.01	28,56,851.79
Arrears at the close of the year	29,54,280.46	7,16,865.35

An amount of Rs. 2,20,000 shown as default at the close of the last year has now been excluded as a result of re-scheduling.

Industry-wise Classification of Defaults Excluding Suit Field Cases.

Industry	No. of units	Defaults as on 31st March, 1975	
		Principal Rs.	Interest Rs.
(i) Cement Products	1	—	4,689.07
(ii) Chemicals	6	23,495.66	9,013.75
(iii) Composite units	6	10,510.69	8,472.62
(iv) Food	2	5,405.47	91.67
(v) Hotels	16	72,881.46	64,931.00
(vi) Metal Products	9	22,182.68	54,435.52
(vii) Mining and Stone Crushing	3	15,000.00	15,788.91
(viii) Transport	84	2,80,567.58	48,476.98
Total	127	4,30,043.54	2,05,899.52

A statement containing the details of default of cases more than six months and exceeding loans of Rs. 2.00 lacs excluding the suit filed cases is also attached at Appendix "IV". All the amounts of loans were reviewed by the Board and no case was considered as doubtful of recovery. During the previous year the Corporation had taken a policy decision to create an Interest Suspense Account, to which shall be transferred such interest accrued on suit-filed debts where six continuous instalments have not been received. A sum of Rs. 8,355.73 had been credited to interest in Suspense Account for the year ended 31st March, 1974, in respect of two suit loans. A further sum of Rs. 29,511.77 has been credited to this account during the year under review.

Post-Sanction Inspections

During the year under review, due post-sanction inspections of all the units which had completed the projects were conducted. In addition verification of utilisation of loans in respect of cases under completion were also carried out. These verifications more or less gave the same information as the post-sanction inspections. The inspections revealed the features such as irregular accounts, deficiencies in implementation of the same, non-submission of audited balance sheets and profit and loss accounts and financial difficulties more particularly in the sphere of working capital. The deficiencies were brought to the notice of the management of the concerns for taking effective remedial measures.

ANNUAL ACCOUNTS

During the year 1974-75, the working of the Corporation resulted in a net profit of Rs. 12,95,093. The following appropriations have been made out of the profits in the balance sheet resulting in the available balance of Rs. 1,83,000.

	Rs.
(i) General Reserve Fund	24,743
(ii) Special Reserve for the purpose of Section 36(ii) (viii) of Income Tax Act, 1961	5,18,037
(iii) Reserve for bad and doubtful debts	74,228
(iv) Provision for taxation for current year	4,58,429
(v) Provision for taxation for previous years	36,656
Balance available.	1,83,000

The Board of Directors have declared a dividend at the rate of 3% per annum per share on 61,000 shares for Rs. 100 each for the current year. A sum of Rs. 1,83,000 is payable as dividend on entire paid-up share capital which amount is available out of our net profit after providing for statutory reserves. It would thus be observed that the Corporation has earned adequate net profits during the period under review to meet all its liabilities.

A statement showing figures of net profits and their appropriations is attached as Appendix 'F'.

RESERVES

In terms of section 36(i) of the State Financial Corporations Act, 1951, the Corporations are required to establish a Reserve Fund. The Act does not specifically prescribe the quantum of allocation to be made to the Reserve Fund every year. In the absence of specific provision, and also owing to the fact that the Corporation has not been drawing any subvention from the State Government for the payment of guaranteed dividend, the quantum of allocation to the Reserve Fund by the Corporation has so far been determined on *ad hoc* basis. The Corporation is engaged in providing medium and long term loans and nature of its business involves considerable risk. It has, therefore, been felt to strengthen the Reserve for Bad and Doubtful Debts and at least 75% of the surplus available after providing for taxation, dividend and exemption under section 36 (i)(viii) be credited to this fund. The reserve so far created by the Corporation provide sufficient cushion to cover the risks. The reserves at the close of the business on the 31st March, 1974, stood as follows:—

Rs.

(i) General Reserve Fund under Section 35 of the State Financial Corporations Act	72,822.88
(ii) Special Reserve Fund under Section 35A of the State Financial Corporations Act	6,26,082.00
(iii) Special Reserve for purpose of Income Tax Act under Section 36(i)(viii)	7,50,676.12
(vi) Reserve for Bad and Doubtful Debts	1,51,539.01
(v) Additions during the year under Section 35 A	1,69,695.00
	17,70,815.01

Under Section 35(A) of the State Financial Corporations Act, 1951, the Corporation may establish a Special Reserve Fund, to which shall be transferred such portion of the dividends accruing to the State Government, the Reserve Bank of India and the Industrial Development Bank of India on the shares of the Financial Corporation as may be fixed by an agreement between the State Government, the Reserve Bank of India and the Industrial Development Bank of India provided that the total amount in the said fund shall at no time exceed 25% of the paid-up capital of the Financial Corporation. The State Government and Reserve Bank of India have granted general permission to the Corporation to transfer the amount of dividend accrued to them to the Special Reserve Fund till the amount in the fund reached the level of 25% of the paid-up capital.

To sum up, various Reserve Funds of the Corporation now stand as under:

	Rs.
(i) General Reserve Fund under Section 35 of the State Financial Corporations Act	97,565.88
(ii) Special Reserve under Section 35(A) of the State Financial Corporations Act	7,95,777.00
(iii) Reserve for Bad and Doubtful Debts	2,25,767.01
(iv) Special Reserve for purposes of Section 36(i)(iii) of the Income Tax Act	12,68,713.12
	<u>23,87,823.01</u>

To this amount will be added another amount of Rs. 1,69,695 as Special Reserve Fund under Section 35(A) of the Act after the dividend has been declared at the Annual General Meeting in June, 1975.

The total Reserves are, therefore, 39% of the paid-up capital of the Corporation as against 26.2% in the previous year, which is quite satisfactory.

MANAGEMENT

Changes in the Board of Directors

Since the publication of the last Annual Report, some changes have taken place in the constitution of the Board of Directors. In terms of first proviso of Section 10 read with Section 11(1) of the State Financial Corporations Act, 1951, the Reserve Bank of India nominated Shri G. L. Krishnamoorthy in place of Shri S. L. Jathar. The Industrial Development Bank of India nominated Shri S. K. Kapur in place of Dr. K. C. Varshney.

The term of Shri Jishan Lal Kuthiala, who was elected as Director at the 3rd Annual General Meeting held on 22nd June, 1970, to represent shareholders under Section 10(e) expired on 24th June, 1974 and Shri C. B. Mital was elected in his place at the Seventh Annual General Meeting held on 24th June, 1974. Shri C. L. Madhok representing the Scheduled Banks resigned and his resignation was accepted with effect from 13th May, 1974. Shri A. L. Bhatia of Punjab National Bank was elected in his place at the Seventh Annual General Meeting held on 24th June, 1974. The term of Shri Pancham Chand Katoch who was elected as Director to represent Co-operative Banks at a Special General Meeting held on 5th September, 1970, expired during the year under review and he was re-elected as Director in a Special General Meeting held on 3rd October, 1974.

The Board places on record their appreciation of the services rendered by the outgoing Directors namely Shri S. L. Jathar, Dr. K. C. Varshney, Shri C. L. Madhok and Shri Jishan Lal Kuthiala.

Chairman of the Corporation

Shri U. N. Sharma, I.A.S., continued to be the Chairman of the Board of Directors.

Executive Committee

The Executive Committee consisted of the Managing Director, Mrs. Sarita Prasad, Shri G. L. Krishnamoorthy

and Shri C. B. Mital. Shri S. L. Jathar, consequent upon his transfer was replaced by Shri G. L. Krishnamoorthy and Shri C. B. Mital replaced Shri Jishan Lal Kuthiala.

Board Meetings

The Board held 5 Meetings during the year under view out of which 4 were held at the Head Office of the Corporation and one at Mehatpur.

Executive Committee and Advisory Committee Meetings

The Executive Committee and Advisory Committee held 4 and 3 meetings respectively during the year under review.

Staff Training

The Staff and Officers of the Corporation had been deputed to various training courses organised by the Bankers Training College, Reserve Bank of India, National Productivity Council and Industrial Finance Corporation of India. During the year under review, the Corporation deputed Managing Director, three Officers and five officials to such courses.

Distribution of shares

During the year under review, nine transfers/transmissions of shares were made involving 150 shares. The position regarding the shares of the Corporation held by different categories of shareholders as on 31st March, 1975, was as under:—

	No. of shareholders in class	No. of shares held
1. Himachal Pradesh Government	1	54,255
2. Reserve Bank of India	1	2,310
3. Scheduled Banks	2	2,800
4. Co-operative Banks	1	5
5. Insurance Companies, Investment Trusts and other financial institutions (excluding Scheduled Banks and Co-operative Banks)	3	1,245
6. Parties referred to in clause (d) of sub-section (3) of Section (4) of the Act	21	385
Total	29	61,000

Technical Wing

The Corporation on the recommendations of Reserve Bank of India and Industrial Development Bank of India had decided during the previous year to create its own Technical Cell consisting of one Chemical Engineer and one Mechanical Engineer. The incumbents were appointed against these posts during the year under review. This Cell has been assigned the functions of preparing Appraisal Reports, conducting Post-Sanction Inspections and Assessment of assets offered as security.

Auditors

In accordance with the provisions of Section 37 of the State Financials Act, 1951, the accounts of the Corporation for the year under review, have been audited by the

Auditors Messrs. Walker Chandio & Co., duly qualified under the law to act as Auditors of the Companies. Appointment of these Auditors was made by the State Government in consultation with the Comptroller & Auditor General of India.

An audit of the affairs of the Corporation for 1973-74 was also undertaken by the Comptroller & Auditor General of India during the year under review under sub-section (6) of Section 37 of the Act.

Branch Offices

At present the Corporation has only one Branch Office at Mehatpur where the Field Officer has been posted. During the year under report, the Corporation also decided to shift the Sub-Office at Dharamsala to Kandrori and the same shall start functioning shortly.

Stamp duty

The Government of Himachal Pradesh had remitted the stamp duty and registration charges in respect of documents executed between the borrowers and the Corporation. However, this concession expired on 31st March, 1974, and has not been extended so far. The Corporation has, therefore, decided to accept equitable mortgage from the Companies and Co-operative Societies in future in order to avoid to burden of stamp duty and registration charges on the borrowers. Efforts are also being made to persuade the State Government to extend the exemption upto 1980.

Scheme for Financing Educated Unemployed

The Corporation during the previous year liberalised its policy for providing financial assistance to the technicians and educated unemployed. According to this scheme, assistance up to an extent of 90% of fixed capital investment is being provided by the Corporation. In order to encourage such entrepreneurs further, the State Government has decided to provide seed capital/margin money to them. The Government of Himachal Pradesh placed, a further amount of Rs. 4.75 lacs during the year under review in addition to Rs. 16.25 lacs during the previous year, at the disposal of the Corporation for disbursement to the educated unemployed as seed capital. However, no disbursement on this account could be effected during the year under review as a very small number of entrepreneurs approached the Corporation but they also did not complete the formalities. It is expected that substantial amount would be disbursed during the next financial year.

Group Insurance for Employees

During the year under review the Corporation decided to take cover of the employees of the Corporation under

the Group Insurance Scheme of the Life Insurance Corporation of India. According to this Scheme, Life Insurance Corporation of India would pay 40 months of salary of the employee who dies in service. The premium charged is very nominal and is deductible expense for the computation of taxable income of the Corporation.

Participation Arrangement

The Corporation has been considering the problem of working capital funds by the borrower concerns. During the previous year, the Corporation decided to enter into participation agreements with Commercial Banks according to which the Banks would provide working capital at reduced margin and the Corporation would provide term loans for fixed assets. It was expected that this arrangement was likely to play important role in the industrialisation of the State. However, the draft agreements which were supplied to various Banks could not be finalised during the year under review, as the Banks sought further clarification. It is expected that these arrangements shall be finalised during the next financial year.

Acknowledgement

The Board takes this opportunity to place on record its appreciation of the Corporation and assistance received from the Government of Himachal Pradesh, Reserve Bank of India, Industrial Development Bank of India, Industrial Finance Corporation of India, Life Insurance Corporation of India and other financial institutions. The Board also places on record its appreciation of the assistance received from M/s. Walker Chandio & Co., Chartered Accountants, New Delhi, during the course of audit. The Board would also like to place on record its appreciation of the hard, honest and sincere work of Dewan Gobind Sahai, Managing Director, which has enabled the Corporation to achieve highly satisfactory results.

The Board has great pleasure in appreciating the services of members of the staff and Officers of the Corporation. In appreciation of good results achieved by the Corporation, the Board has granted to the Officers including the Managing Director, and the staff of the Corporation an ex-gratia Good Performance Reward equivalent to 20% of the total emoluments during the year.

By order of the Board

GOBIND SAHAI,
Managing Director.

APPENDIX 'A' (Part I)

Statement showing loan applications received, sanctioned, rejected, with-drawn or lapsed and amounts actually disbursed Industry-wise (based on International classification of all economic activities) by HPFC upto the year ended 31st March, 1974.

S.No.	Type of Industry	No. of applications received	Amount	No. of applications sanctioned	Amount	No. of applications rejected	Amount	No. of applications lapsed	Amount	No. of units disbursed	Amount
1	2	3	4	5	6	7	8	9	10	11	12
1.	Cement Products	5	5,69,000	3	2,75,000	—	—	1	1,85,000	2	1,35,011
2.	Chemicals	23	1,03,90,000	14	83,50,000	—	—	6	12,05,000	7	56,09,750

1	2	3	4	5	6	7	8	9	10	11	12
3. Cold storage and Ice factory	2	7,00,000	2	6,75,000	—	—	—	—	—	1	1,30,000
4. Electrical appliances	3	16,31,790	3	15,98,000	—	—	—	—	—	—	—
5. Engineering Goods	6	9,06,235	2	3,39,985	—	—	—	3	3,66,250	—	—
6. Fertilizer	1	20,00,000	1	19,60,000	—	—	—	—	—	1	10,19,277
7. Film Studio	1	10,00,000	—	—	—	—	—	1	10,00,000	—	—
8. Food manufacturing	14	28,26,000	10	13,58,400	2	1,15,000	2	10,50,000	5	9,85,000	—
9. Hotel	76	97,32,200	46	51,07,200	3	3,05,000	23	29,65,000	24	23,19,596	—
10. Metal Products	34	1,37,79,199	21	84,90,000	2	60,000	8	32,92,459	18	42,50,867	—
11. Mining and Stone Crushing	20	23,79,000	9	10,51,100	—	—	11	9,60,000	6	6,72,497	—
12. Paper products	3	24,50,000	2	10,60,000	—	—	—	—	—	—	—
13. Plastics	1	20,00,000	—	—	—	—	1	20,00,000	—	—	—
14. Printing Press	4	1,70,000	3	1,23,000	—	—	—	—	—	3	1,18,753
15. Rubber Products	3	18,60,000	1	4,65,000	—	—	—	2	13,00,000	—	—
16. Service Station	1	80,000	—	—	—	—	—	1	80,000	—	—
17. Stationery	1	1,00,000	—	—	—	—	—	1	1,00,000	—	—
18. Textile	2	22,00,000	1	20,00,000	—	—	—	1	2,00,000	1	10,64,520
19. Transport	391	1,85,74,127	330	1,54,64,607	4	2,09,500	54	26,72,300	313	1,43,54,942	—
20. Wood working and composite units	33	23,24,330	20	10,81,500	2	87,780	10	8,03,000	15	5,57,288	—
Total	624	7,56,71,881	468	4,93,98,792	13	7,77,280	126	1,82,19,009	396	3,12,17,481	—

Note:—Figures have been rounded off to nearest Rupee.

APPENDIX 'A' (Part II)

Statement showing the loan applications received, sanctioned, rejected and lapsed and amount actually disbursed Industry-wise (based on International classification of all Economic activities) for the year 1974-75.

S. No.	Type of Industry	No. of applications received	Amount	No. of applications Sanctioned	Amount	No. of applications rejected	Amount	No. of applications lapsed	Amount	No. of units disbursed	Amount
1	2	3	4	5	6	7	8	9	10	11	12
1. Cement products	3	6,03,000	2	2,96,000	—	—	—	—	—	(+ 2)	32,000
2. Chemicals	11(+ 2)	67,80,750	7(+ 2)	56,79,000	—	—	—	1	3,75,000	(+ 5)	18,41,404
3. Cold storage and Ice factory	2	3,60,000	1	60,000	—	—	—	—	—	—	—
4. Electrical appliances	5	20,78,377	3	11,47,800	—	—	—	—	—	2	23,806
5. Engineering goods	2(+ 1)	7,71,532	(2 + 1)	9,41,532	—	—	—	—	—	2	90,000
6. Fertilizers	(+ 1)	10,40,000	(+ 1)	10,40,000	—	—	—	—	—	(+ 1)	3,34,925
7. Food manufacturing	2	12,40,000	1	12,40,000	—	—	—	—	—	(+ 1)	10,500
8. Hotel	8(+ 1)	42,56,100	3(+ 1)	14,76,000	2	1,17,600	6	9,57,000	(1 +)	76,000	—
9. Metal Products	17(+ 3)	56,47,666	11(+ 3)	57,37,000	—	—	—	3	3,16,775	(5 + 15)	23,30,199
10. Mining and stone crushing	3	7,60,000	2	6,05,000	—	—	—	—	—	(+ 1)	2,502
11. Paper and paper products	1	4,71,000	2	18,61,000	—	—	—	—	—	4	7,62,211
12. Plastics	3	11,00,000	3	6,90,000	—	—	—	—	—	—	—
13. Transport equipments	1	30,00,000	1	26,00,000	—	—	—	—	—	—	—
14. Textile	6	12,94,000	—	—	—	—	—	—	—	—	—
15. Transport Operators	93	72,46,430	91	67,53,030	—	—	—	4	2,56,000	(78 + 2)	55,29,083
16. Wood working and composite units	8	3,19,950	8	1,54,000	—	—	—	2	22,000	(1 + 2)	81,567
		165(+ 8)	3,69,68,805	132(+ 8)	3,02,40,362	2	1,17,600	16	19,26,775	(92 + 29)	1,11,13,697

Notes:—1. Figures in brackets indicate the additional loans sanctioned/dispensed to existing concerns sanctioned in previous years.
2. Figures have been rounded off to nearest rupee.

APPENDIX 'B'

Classification of loans and advances amountwise as on 31st March, 1975

S No.	Range of loans		Sanctioned upto 31st March, 1974		Sanctioned during 1974-75	
			No. of applications	Amount	No. of applications	Amount
1	2		3	4	5	6
1.	Rs.	10,000 to Rs.	72	13,89,920	5	95,800
2.	Rs.	25,001 to Rs.	147	60,33,865	10	3,76,900
3.	Rs.	50,001 to Rs.	180	1,05,42,422	86	68,59,830
4.	Rs.	1,00,001 to Rs.	28	36,69,600	9	13,26,800
5.	Rs.	2,00,001 to Rs.	10	38,24,000	13	43,78,500
6.	Rs.	5,00,001 to Rs.	16	93,78,985	7	35,32,532
7.	Rs.	10,00,001 to Rs.	15	1,45,60,000	10	1,36,70,000
Total			468	4,93,98,792	140	3,02,40,362

Note:—Figures have been rounded off to nearest rupee.

APPENDIX 'C' (Part I)

Classification of loans and advances industry-wise as on 31st March, 1975

S. No.	Type of Industry	Effective sanctions		Amount disbursed		Amount outstanding	
		No.	Amount	No.	Amount	No.	Amount
1	2	3	4	5	6	7	8
1	Beverages	2	12,62,000	—	—	1	62,000
2	Chemical	11	35,74,000	5	1,35,15,000	4	4,76,500
3	Electrical appliance	6	27,45,800	—	—	2	23,806
4	Food manufacturing	6	12,01,000	—	—	5	9,63,000
5	Hotels	26	34,75,200	—	—	23	21,95,597
6	Metal products	28	98,98,517	3	43,30,000	22	59,09,820
7	Mineral products	3	8,64,000	—	—	2	3,84,000
8	Misc. Industries	18	8,23,500	—	—	16	6,03,855
9	Paper and paper products	3	14,36,000	1	14,85,000	3	2,50,600
10	Plastics	3	6,90,000	—	—	—	—
11	Printing Press	2	90,000	—	—	2	85,753
12	Stone Crushing	9	9,12,200	—	—	6	4,58,011
13	Textile	—	—	1	10,64,500	—	—
14	Transport equipment	—	—	1	26,00,000	—	—
15	Transport Operators	263	1,51,36,173	—	—	249	1,38,89,043
Total		380	4,21,08,390	11	2,29,94,500	335	2,53,01,985

Note.—Figures have been rounded off to nearest rupees.

APPENDIX 'C' (Part II)

Analysis of Financial Assistance sanctioned (Industry-wise) during 1974-75

S. No.	Type of Industry	No. of applications		Loans (all types)		Under writings		Deferred payments		Total of item 5-10	Percentage of total assistance
		Small scale	Others	Small scale	Others	Small scale	Others	Small scale	Others		
1	2	3	4	5	6	7	8	9	10	11	12
1	Cement products	2	—	2,96,000	—	—	—	—	—	2,96,000	0.98
2	Chemicals	6	3	20,64,000	36,15,000	—	—	—	—	56,79,000	18.78
3	Cold storage and Ice factory	1	—	60,000	—	—	—	—	—	60,000	0.20
4	Electrical appliances	3	—	11,47,800	—	—	—	—	—	11,47,800	3.80
5	Engineering goods	3	—	9,11,532	—	—	—	—	—	9,41,532	3.12
6	Fertilizers	—	1	—	10,40,000	—	—	—	—	10,40,000	3.44
7	Food manufacturing	1	—	12,40,000	—	—	—	—	—	12,00,000	3.97
8	Hotels	4	—	14,76,000	—	—	—	—	—	14,76,000	4.88
9	Metal products	11	3	20,07,000	37,30,000	—	—	—	—	57,37,000	18.97
10	Mining and stone crushing	2	—	6,05,000	—	—	—	—	—	6,05,000	2.00
11	Paper and paper products	1	1	3,76,000	14,85,000	—	—	—	—	18,61,000	6.15
12	Plastics	3	—	6,90,000	—	—	—	—	—	6,90,000	2.28
13	Transport equipment	—	1	—	26,00,000	—	—	—	—	26,00,000	8.60
14	Transport operators	91	—	67,53,030	—	—	—	—	—	67,53,300	22.33
15	Wood working and composite units	3	—	1,54,000	—	—	—	—	—	1,54,000	0.50
		131	9	1,77,70,362	1,24,72,000	—	—	—	—	3,02,40,362	100.00

Note.—Figures have been rounded off to nearest rupee.

APPENDIX 'D'

Classification of loans and advances District-wise as on 31st March, 1975

S. No.	Name of the District	Effective sanctions		Amount disbursed		Balance outstanding	
		No.	Amount	No.	Amount	No.	Amount
1	2	3	4	5	7	8	10
1	Bilaspur	15	7,59,442	—	—	12	4,06,607
2	Chamba	9	3,77,300	—	—	9	1,27,331
3	Hamirpur	4	2,13,600	—	—	4	1,30,500
4	Kangra	62	78,97,560	—	—	53	44,76,925
5	Kinnaur	—	1,12,500	—	—	2	62,499
6	Kulu	18	14,12,200	—	—	16	6,20,585
7	Lahaul and Spiti	1	74,000	—	—	1	69,337
8	Mandi	23	13,79,188	—	—	22	9,30,099
9	Simla	108	74,31,403	—	—	104	43,13,158
10	Sirmur	23	22,50,100	3	55,79,500	21	15,41,400
11	Solan	84	1,26,68,897	7	1,44,15,000	66	60,26,833
12	Una	33	75,32,200	1	30,00,000	25	27,18,759
Total		380	4,21,08,390	11	2,29,94,500	335	2,53,01,985

Note.—Figures have been rounded off to nearest rupee.

APPENDIX 'E'

Classification of loans and advances constitution-wise as on 31st March, 1975

S. No.	Constitution of Industrial concern	Effective	sanctions	Amount disbursed		Amount outstanding	
		No. of units	Amount	No. of units	Amount	No. of units	Amount
1	2	3	4	5	6	7	8
A. SMALL SCALE UNITS							
1.	Public Limited Companies	2	21,00,000	—	—	—	—
2.	Private Limited Companies	12	58,27,000	6	16,07,392	6	13,34,429
3.	Co-operative Societies	2	1,05,000	2	1,05,000	2	29,567
4.	Partnership	68	1,12,87,800	54	64,01,739	54	53,86,105
5.	Proprietary	289	2,06,64,190	266	1,55,80,821	266	1,10,78,918
6.	Joint Hindu Family	7	21,24,400	7	16,07,033	7	15,35,870
B. UNITS OTHER THAN SMALL SCALE							
1.	Private Limited Companies	4	60,15,000	4	27,86,600	4	27,27,383
2.	Public Limited Companies	7	1,69,79,500	4	77,99,701	4	79,77,431
Total		391	6,51,02,890	343	3,58,80,288	343	3,00,69,703

Note.—Figure have been rounded off to nearest rupee.

APPENDIX 'F'

Statement showing the figures of net profits and their appropriations upto the year ending 31st March, 1975

Year	Net profit	Balance transferred by PFC on reorganisation	Total	Transferred to Reserve Fund	Transferred to Special Reserve Fund	Transferred to Bgd and Doubtful Debts Reserve	Transferred to Investment Reserve	Transferred to Gratuity Reserve	Provision for Taxation	Amount available for Guaranteed Dividend	Net deficit for Guaranteed Dividend
1	2	3	4	5	6	7	8	9	10	11	12
1967-68	81,460	26	81,486	5,000	20,365	2,000	1,000	1,000	33,600	18,521	16,159
1968-69	1,05,196	—	1,05,196	5,000	26,299	—	—	1,000	43,393	29,504	45,496
1969-70	1,07,054	—	1,07,054	5,000	26,764	1,000	—	1,000	49,668	23,622	51,378
1970-71	2,91,616	—	2,91,616	8,096	66,610	2,000	—	—	1,09,910	1,05,000	—
1971-72	4,61,844	—	4,61,844	4,758	93,114	4,000	—	—	2,09,972	1,50,000	—
1972-73	7,21,913	—	7,21,913	20,000	1,45,772	36,408	—	—	3,36,733	1,83,000	—
1973-74	8,50,008	—	8,50,008	20,234	2,12,502	60,700	—	—	3,73,572	1,83,000	—
1974-75	12,95,093	—	12,95,093	24,743	5,18,037	74,228	—	—	4,95,085	1,83,000	—

Note.—Figures have been rounded off to nearest rupee.

APPENDIX 'G'

Maturity-wise classification of Government and other securities as on 31st March, 1975

Sr. No.	Particulars	Face Value	Book Value	Market Value
1	2	3	4	5
1.	Government of India Securities			
	(a) Maturing within 5 years	Nil	Nil	Nil
	(b) Maturing after 5 years	Nil	Nil	Nil
2.	State Government Securities			
	(a) Maturing within 5 year	Nil	Nil	Nil
	(b) Maturing after 5 years	Nil	Nil	Nil
3.	Other Securities (to be specified)			
	(a) Maturing within 5 years	Nil	Nil	Nil
	(b) Maturing after 5 years	Nil	Nil	Nil

THE BOARD OF DIRECTORS

Himachal Pradesh Financial Corporation

In our opinion, the accompanying Balance Sheet and the financial statements (Appendix I to V) subject to the notes thereon present fairly financial position of Himachal Pradesh Financial Corporation as at 31st March, 1975 and the results of its operations and the sources and applications of funds for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year. Our Examination of these statements was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

The accompanying supplemental data and schedules, though not considered necessary for a fair presentation

of the financial position and results of operations and sources of application of funds, are presented principally for supplementary analysis purposes and to give information as to the scope of work. While our examination was made primarily for the purpose of formulating our opinion on the current year's basic financial statements (Appendix I to V), the additional data have been subjected to the same audit procedures and, in our opinion, are stated fairly in all material respects when considered in conjunction with the financial statements taken as a whole.

J. C. CHANDIOK,

B.A., F.C.A. (England & Wales), F.C.A.,

PARTNER,

41-L, Connaught Circus,
New Delhi.

for Walker Chandio & Co.

Dated this 28th Day of

Chartered Accountants,

May, 1975.

APPENDIX 'I'

Statement of changes in shareholders Equity for the year ended 31st March, 1975.
(expressed in Indian Rupees)

(Amount in lacs of rupees)			
	Balance as on 31st March, 74	Changes in-crease/de-crease	Balance as on 31st March, 75
Share Capital			
Authorised 1,00,000 shares of Rs. 100 each	100.00	—	100.00
Issued 61,000 shares of Rs. 100 each	61.00	—	61.00
A. Subscribed and paid-up			
61,000 shares of Rs. 100 each	61.00	—	61.00
Add			
(i) Application money received towards share capital	—	—	—
(ii) Amount forfeited on shares issued	—	—	—
Less			
Calls in arrears	—	—	—
	61.00	—	61.00
B. Reserves and Surplus			
1. Reserve Funds*			
(a) General Reserve (Section 35)	.73	0.25	0.98
(b) Special Reserve [under section 36 (i) (viii) of Income Tax Act, 1961]	7.50	5.18	12.68
*After making necessary adjustments for appropriations out of the profits in the respective year.			
(c) Special Reserve [under section 35 A of SMCs Act, 1951]*	6.26	1.70	7.96
(d) Other Reserves	14.49	7.13	21.62
C. Surplus			
(i.e. profit transferred from profit and Loss Account of the year minus appropriations made there-against	—	—	—
Shareholders equity (A + B + C)	75.49	7.13	82.62

*This reserve is created out of dividends forgone by Reserve Bank of India/State Government on their shareholdings.

Note.—The current year's Profit Rs. 12.95 has been appropriated as under:—

(i) Provision for taxation :	4.95
(ii) Transferred to	
(a) General Reserve (u/s 35)	0.25
(b) Special Reserve u/s 36 (i) (viii) of Income Tax Act :	5.18
(c) Reserve for bad and doubtful debts:	0.74
(iii) Dividend payable	1.83
	12.95

ROMESH CHAND
Secretary.

GOBIND SAHAI
Managing Director.

In terms of our report of even date
J. C. CHANDIOK,
B.A., F.C.A. (England & Wales), F.C.A.,
PARTNER
for Walker Chandio & Co.
Chartered Accountants.

APPENDIX 'II'

Statement of sources and application of Funds for the year ended 31st March, 1975

			(Amount in lacs of Rupees)		
			Amount	Amount	Amount
A. FUNDS PROVIDED					
I. From Operations:					
(i) Net income as per profit and loss account		12.95			
Less transferred to:					
(a) Provision for taxation	4.95		7.26		
(b) Reserve for bad and doubtful debts	0.74	5.69	0.15		
(u) Depreciation provision			0.74		
(iii) Provision for bad and doubtful debts					
(iv) Other (Please Specify)				8.15	
Funds provided from operations					
II. Repayment of Assistance by Borrowers etc.					
(i) Repayment of loan instalments			41.18		
(ii) Sale of Investments					
(a) Government and other trustee securities					
(b) Debentures and preference share of industrial concerns					
(c) Equity shares of industrial concerns					
(iii) Redemption of					
(a) Preference shares by industrial concerns					
(b) Debentures by industrial concerns					
Funds provided from repayment of assistance by borrowers, etc.				41.18	
III. From Other Sources					
(i) Further issue of share capital					
(ii) Borrowings from					
(a) State Government					
(b) Reserve Bank of India					
(1) Against Government and Trustee securities					
(2) Against <i>ad hoc</i> bonds					
(c) Industrial Development Bank of India			80.42		
(d) Banks					
(e) Bonds			27.50		
(f) Deposits from public					
(g) Other (Please specify)					
	c/o		107.92	49.33	
(iii) Recoveries on account of guarantees issued					
(iv) Other (Please specify)					
(a) Sale of Jeep				15	
(b) Increase in other fish sales				6.58	
(c) Decrease in cash				2.51	
(d) Increase in suspense Intt. A/c.				30	
Funds provided from other sources, i.e. increase in reserve under section 35 (A)			1.70	119.16	
TOTAL FUNDS PROVIDED (I + II + III)					168.49
B. FUNDS APPLIED					
I. Disbursement of assistance					
(i) By way of loans			111.14		
(ii) By way of Subscription					
(a) Equity shares of industrial concerns					
(b) Preference shares of industrial concerns					
(c) Debentures of industrial concerns					
(iii) By way of guarantee obligations					
TOTAL Disbursement of assistance				111.14	
II. Investment of surplus funds					
(In Government and other trustee securities)					
Purchase made during the year					
III. Repayment of borrowings					
(i) From Government					
(ii) From Reserve Bank of India					
(a) Against Government and trustee securities					
(b) Against <i>ad hoc</i> bonds		21.00			
(iii) From IDBI				28.36	
(iv) From Banks				0.53	
(v) Redemption of bonds					
(vi) Deposits from public					
(vii) Other (Please specify)					49.89

TOTAL repayment of borrowing

		Amount
IV. Purchase of fixed assets	0.44	0.44
V. Dividends proposed	1.83	1.83
VI. Other (repayment of subvention etc.)	—	—
Increase in other assets	5.19	5.19
	Total	168.49

Note.— Appropriation of net income of Rs. 7.26 lacs are as under:—
Less transferred to:

(i) General reserve (u/s 35)	0.25
(ii) Reserve u/s 36 (i) (viii) of Income Tax Act	5.18
(iii) Dividend payable	1.83
	<u>7.26</u>

ROMESH CHAND
Secretary.

GOBIND SAHAI
Managing Director.

In terms of our report of even date.

J. C. CHANDIOK,
B.A., F.C.A. (England & Wales), F.C.A.,
PARTNER
for Walker Chandio & Co.,
Chartered Accountants.

APPENDIX III

Equity Investment held on 31st March, 197 (Amount in lacs of rupees)

Name of Companies % under each head owned	No. of shares	Amount held		Estimated value		Earning (Loss) per share		Dividends received		Provision for possible losses	Remarks
		Face Value	Book Value	Amount	Basic*	Current year	Previous year	Latest year (specify)	Amount		
1		2	3	4	5	6	7	8	9	10	11
A. Companies operating profitably											
1.											
2.											
3.											
Total:											
B. Companies under construction or in pre-operating stage not in technical/financial difficulties											
1.											
2.											
3.											
C. Companies operating in technical/financial difficulties											
D. Companies in liquidation											
1.											
2.											
3.											
Grand Total :											
Dividends on investments since sale											

NIL

*Basis of estimated value (1) market value as per quotations (2) Book value (3) Others.

**Give reasons for losses, expected date of completion of construction, start up, reasons for delay in completion of project etc.

ROMESH CHAND
Secretary

GOBIND SAHAI,
Managing Director.

In terms of our report of even date
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APPENDIX 'IV'

(Amount in thousands of Rs.)

Schedule of arrears in excess of six months as on 31st, March, 1975) in respect of loans above Rs. 2 lacs)

Particulars	Total outstanding		Total arrears		Less than 6 months overdue		6-12 months overdue		1-2 year overdue		Over 2 years overdue	
	Principal	Intt.	Principal	Intt.	Principal	Intt.	Principal	Intt.	Principal	Intt.	Principal	Intt.
1	2	3	4	5	6	7	8	9	10	11	12	13
(A) Total total Concerns Operating profitably							NIL					
(B) Concerns under construction or preservation stage (not in technical/financial difficulties)												
1. M/s. Meenu Engineering Works, Dharampur	330	15	15	15	15	13	—	2	—	—	—	—
(C) Concerns operating at loss in technical/financial difficulties							NIL					
(D) Concerns in liquidation							NIL					
Total	330	15	15	15	15	13	—	2	—	—	—	—

ROMESH CHAND
SecretaryGOBIND SAHAI
Managing DirectorIn terms of our report of even date
J. C. CHANDIOK
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for Walker Chandio & Co.
Chartered Accountants.

APPENDIX 'V'

Statement of suit-filed and/or decreed debts outstanding as on 31-3-75

S. No.	Name of the party	Type of Industry	Amount of loan sanctioned	Date of sanction	Date of filing suit	Date of decree, if any	Amount outstanding as on 31-3-1974	Value of security	Remarks
1	2	3	4	5	6	7	8	9	10
1.	M/s. Pinewood Hotel, Mandi	Hotel	55,000	22-7-67	17-1-70	Final decree passed on 10-8-72	33,401.32	1,30,846	—
2.	M/s. Crown Trading Corporation, Mandi	Transport	24,000	3-11-69	1-1-72	18-4-72	23,566.97	46,806	Being tried by District Judge on remission by High Court in Appeal.
3.	Shri K. S. Chand Thakur	Composite unit	63,000	21-6-69	1-1-72	18-4-72	56,266.84	1,19,066	Objections raised by third party in the execution of decree.

1	2	3	4	5	6	7	8	9	10
4.	M/s Himachal Shoddy Mills, Paonta.	Textile	10,64,500	12-2-65	13-3-72	—	12,33,171.48	17,71,790	—
5.	M/s Thakur Industries, Mandi.	Composite unit.	30,000	4-2-69	12-7-72	18-4-74	33,807.89	1,00,461	Appeal pending before the High Court.
6.	M/s Mahesh Industries, Kathla.	-do-	30,000	4-9-68	7-8-72	9-1-73	40,267.99	49,175	—
7.	M/s National Ice and Cold Storage Factory, Mandi.	Cold storage	1,75,000	15-6-68	10-11-72	—	1,44,423.07	2,17,189	—
8.	M/s Bhopindra Food, and Malt Industries, Jatoli.	Beverages	62,000	10-8-70	22-3-72/ 26-7-73.	—	75,188.05	3,14,600	—
9.	M/s Aroma Hotel, Simla	Hotel	50,000	4-2-69	31-11-72	—	24,629.97	1,02,566	—
10.	M/s Tourist Hotel and Restaurant, Dharamsala.	Hotel	30,000 25,000.	4-2-69 30-3-70.	28-10-72	—	69,695.40	98,684	—
11.	M/s Himachal Automatic Electric Bakery, Mandi.	Electric Bakery.	60,000 40,000.	24-6-69 19-5-70.	9-4-74	—	1,45,225	1,70,081	—
12.	M/s Thakur Saw Mills, Kulu.	Saw Mill	30,000	11-6-71	14-5-74	—	33,209.12	2,76,309	The party deposited major out standing loan in the Court and under took clear whole outstanding loan before next hearing date.
13.	M/s. Laxmi Furniture & Saw Mills, District Una, Amb.	-do-	60,000	24-11-72	14-8-74	—	65,567.94	81,500	—
14.	M/s Maurice Hotel, Kasauli.	Hotel	75,000	3-11-69	2-8-74	—	51,896.39	4,29,830	—
15.	M/s Highway Cee Cee Co. Solan.	Cement pipes.	1,00,000	17-11-71	11-10-74	—	1,08,207.59	1,84,803	—
16.	M/s Himachal Printing Press, Simla.	Printing Press.	70,000	6-1-70	6-1-75	—	77,387.24	1,09,597	—
17.	M/s Shiam Singh, Bali Chowki, Mandi.	Composite unit.	30,000	11-2-71	10-3-75	—	34,353.57	2,53,482	—
18.	M/s Himland Hotel, Simla.	Hotel	5,00,000 1,98,000 1,57,000.	7-9-67 29-8-69 22-6-70	27-11-74	—	8,44,015.35	29,74,923	—

ROMESH CHAND
Secretary

GOBIND SAHAI
Managing Director

In terms of our report of even date
J. C. CHANDIOK
B.A., F.C.A. (England & Wales), F.C.A.
PARTNER
for Walker Chandio & Co.
Chartered Accountants

REPORT OF THE AUDITORS

To

The Shareholders,
Himachal Pradesh Financial Corporation,
Simla.

We the undersigned Auditors of the Himachal Pradesh Financial Corporation do hereby report to the shareholders upon the Balance Sheet and Accounts of the Corporation as at 31st March, 1975.

We have examined the annexed Balance Sheet with the accounts and vouchers relating thereto and report that where we have called for explanation and information, such information and explanations have been given

and have been satisfactory. In our opinion, the Balance Sheet is full and fair Balance Sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of affairs of the Corporation according to the best of our information and explanation given to us and as shown by the books of the Corporation.

J. C. CHANDIOK,
B.A., F.C.A. (England & Wales), F.C.A.,
PARTNER

41-L, Connaught Circus, for Walker, Chandio & Co.,
New Delhi.
Dated this 28th Day of May, 1975. Chartered Accountants

		Balance Sheet as at	
Previous Year	Capital and Liabilities	Amount	Total
	1. CAPITAL		
	Authorised		1,00,00,000
1,00,00,000	1,00,000 shares of Rs. 100 each		
	Issued		61,00,000
61,00,000	61,000 shares of Rs. 100 each (Guaranteed by State Government under section 6 (i) of the State financial Corporations Act, 1951).		
	Subscribed and paid-up		61,00,000
61,00,000	61,000 shares of Rs. 100 each fully paid-up		
	2. RESERVE FUND AND OTHER RESERVES		
	(i) Reserve Fund (under section 35)		
72,823	Balance as per last Balance Sheet	72,823	
	Addition during the year	24,743	97,566
	(ii) Special Reserve Fund (under Section 35(A))		
6,26,082	Balance as per last Balance Sheet	6,26,082	
	Addition during the year	1,69,695	7,95,777
	(iii) Reserve for Bad and Doubtful Debts		
1,51,539	Balance as per last Balance Sheet	1,51,539	
	Addition during the year	74,228	2,25,767
	(iv) Other Reserves		
7,50,676	Special Reserve under section 36(i) (viii) of Income Tax Act	7,50,676	
	Balance as per last Balance Sheet	5,18,037	12,68,713
	Addition during the year		23,87,823
	3. BONDS AND DEBENTURES		
	(Guaranteed by the State Government under section 7)		
26,400	264—4 1/2% Punjab Financial Corporation Bonds of Rs. 100 each redeemable in 1974 (I series).		—
26,400	264—4 1/2% Punjab Financial Corporation Bonds of Rs. 100 each redeemable in 1974 (II series).		—
25,200	252—5 1/2% Punjab Financial Corporation Bonds of Rs. 100 each redeemable in 1977 (I series).		25,200
28,600	386—5 1/2% Punjab Financial Corporation Bonds of Rs. 100 each redeemable in 1977 (II series).		38,600
27,00,000	27,000—6% H.P. Financial Corporation Bonds of Rs. 100 each redeemable in 1984		27,00,000
—	27 500—6 1/2% Himachal Pradesh Financial Corporation Bonds of Rs. 100/- each redeemable in 1985		27,50,000
—	4. FIXED DEPOSITS (under section 8)		55,13,800
	5. BORROWINGS (under section 7)		
99,27,323	(i) From Industrial Development Bank of India under section 7 (4) holding for Industrial Development Bank in trust the securities offered by the Corporations Constituents against loans advanced to them by the Corporation	1,51,33,600	
26,00,000	(ii) From Reserve Bank of India against the security of 7% <i>ad hoc</i> Bond of the face value of Rs. 40.00 lacs (Guaranteed by the State Government)	5,00,000	
10,00,000	(iii) From State Government	10,00,000	1,66,33,600
—	6. GUARANTEES AND UNDERWRITING AGREEMENTS		—
	7. SUBVENTION PAID BY STATE GOVERNMENT ON ACCOUNT OF DIVIDEND (SECTION 6 READ WITH SECTION 35)		1,13,033
1,13,033			
	8. OTHER LIABILITIES		
787	(i) State Government Funds under Agency Agreement	787	
	Less: Paid to Punjab Financial Corporation in respect of their claim for interest prior to reorganisation	80	707
	(ii) State Government Funds under scheme of assistance to educated unemployed—release of Seed Capital or Margin Money Balance as per last Balance Sheet	16,25,000	
16,25,000	Received during the year	4,75,000	21,00,000
30,017	(iii) Borrowers Imprest		53,841
1,701	(iv) Staff Provident Fund		62,371
53,896	(v) Unclaimed Dividend		1,794
2,13,616	(vi) Interest on Bonds and Debenture and Borrowings accrued but not due		3,42,214
			25,60,927
50,009	9. OUTSTANDING LIABILITIES		
8,356	10. INTEREST IN SUSPENSE ACCOUNT		61,103
	11. PROVISIONS		37,867
10,30,187	(a) For Income Tax		
	Balance as per last balance sheet		10,30,187
	(i) For the assessment year 1973-74 and 1974-75 (short provision)	36,656	
	(ii) For the year	4,58,429	4,95,085
			15,25,272
	Less: Tax paid for assessment years 1973-74 and 1974-75 including Rs. 7,09,235 advance payment (under section 210 of the Income Tax Act 1961) on completion of assessments		7,46,961
			7,78,311

31st March, 1975

Previous year	Property and assets	Amount	Total
1,245	1. CASH AND BANK BALANCES		
	(a) Cash in hand	10,671	
1,25,179	(b) Balances with Banks [under section 33(2) of the Act]	3,13,340	
6,86,467	(i) Reserve Bank of India	2,38,238	5,62,249
	(ii) Scheduled Banks		
—	2. INVESTMENTS (under section 34)		
—	(a) Central Government	—	
1,30,55,867	(b) State Government	—	
—	3. LOANS AND ADVANCES		3,00,52,139
—	4. DEBENTURES SUBSCRIBED		—
—	5. GUARANTEES AND UNDERWRITING AGREEMENTS		—
—	6. DEBENTURES, SHARES ETC. ACQUIRED UNDER UNDERWRITING AGREEMENTS		—
—	(under section 25(1)(D))		—
—	7. PREMISES, LAND AND BUILDING		—
—	8. MOTOR VEHICLES, FURNITURE AND FIXTURES ETC.		—
	Cost upto last Balance Sheet	1,12,280	
	Addition during the year	43,990	
		1,56,270	
	Less: Sales/adjustments during the year	27,384	
		1,28,886	
	Less: Depreciation written off	44,254	
	Upto last Balance Sheet	13,364	
	Adjusted on Jeep Sold		
68,026	For the year	30,890	
		15,008	45,898
1,13,033	9. DIVIDEND DE FICIT ACCOUNT		82,988
11,479	10. OTHER ASSETS		1,13,033
36,700	(i) Stationery and stores in hand	8,996	
4,441	(ii) Advances to staff		
1,200	(a) House Building	31,300	
17	(b) Festival	5,175	
550	(c) Contributory Provident Fund	1,850	38,325
4,94,495	(iii) Postage Stamps in hand		1
2,844	(iv) Security Deposit		550
4,412	(v) Accrued Interest on		
3,496	(a) Loans and Advances		6,19,325
5,531	(b) Advances to staff		5,240
	(vi) Prepaid Expenses		6,610
	(vii) Sundry Debtors		3,032
	(viii) Discount on Bonds and debentures		35,935
	(ix) Subsidy and interest thereon recoverable from Central Government under Central Outright Grant or Subsidy Scheme, 1971		
	Subsidy	12,27,639	
	Interest on above	1,33,150	
11,99,326	(x) Remittance in Transit		13,60,789
6,088			7,14,329
4,98,961	11. PROVISION FOR TAXATION		27,93,132
5,101			

CONTINGENT LIABILITIES EXIST IN RESPECT OF

(1) Any demand made by the Income-tax authorities in excess of provision made:—

(a) Appeal against the assessment for the assessment years 1972-73, 1973-74 and 1974-75 is pending.

(b) Assessments for the assessment years 1973-74 and 1974-75 completed raise excess demands after adjustment of advance payment of Rs. 14,442.00 and Rs. 23,284.00 which has been paid and the short provision made good. Appeals have been preferred against the above assessments.

(2) Gratuity payable under the "Payment of Gratuity to Employees Regulation".

(3) Arrears of salary etc. of an employee claiming reinstatement through Court.

NOTES:

(1) Commitment liability in respect of loans sanctioned but not disbursed as on 31st March, 1975, is Rs. 2,92,14,605.

(2) Claims filed with the Central Government for recovery of the Subsidy disbursed to loanees in selected backward areas amounting to Rs. 12,27,639 together with interest accrued thereon upto 31st March, 1975 Rs. 1,33,150 have been incorporated in the accounts. Payment of interest is awaiting clearance by the Central Government.

(3) Loans and Advances include Rs. 25,295 outstanding against Rs. 1,44,700 advanced to Private Carriers prior to the Reserve Bank of India's advice against disbursing such loans.

		Balance Sheet as at	
Previous Year	Capital and Liabilities	Amount	Total
(—)10,35,288	Less Advance payment of Income Tax u/s 210 of the Income Tax Act, 1961 including Tax deducted at source	7,65,923	12,388
1,83,000	(b) For Dividend as per Profit and Loss Account		1,83,000
12.	PROFIT AND LOSS ACCOUNT		
	Net Profit for the year as per Profit and Loss Account	12,95,093	
	Less:		
	(a) Provision for Taxation		
	(i) For the assessment year 1973-74 and 74-75 short provision	36,656	
	(ii) For the year	4,58,429	
		4,95,085	
	(b) Transferred to:		
	(i) Reserve Fund (under section 35)	24,743	
	(ii) Special Reserve for purposes of section 36(i)(viii) of Income Tax Act, 1961	5,18,037	
	(iii) Reserve for Bad and Doubtful Debts	74,228	
	(c) Dividend payable for the year	1,83,000	12,95,093
2,63,24,458	Total		3,36,03,541

N. N. DIWAN
Development Officer

ROMESH CHAND
Secretary

GOBIND SAHAJ
Managing Director

Rs.

Schedule showing particulars in respect of Loans and Advances referred to in the Balance Sheet as at 31st March, 1975

I. Particulars of Loans and Advances

	Rs.
(a) Debts considered good in respect of which the Corporation is fully secured	3,00,39,326
(b) Debts previously fully secured but now secured to the extent of Rs. 9,754	12,813
	3,00,52,139
(c) Debts due by concerns in which one or more Directors of the Corporation are interested as Directors, Partners, Proprietors or Managing Agents or in the case of private companies as members	7,72,028
(d) Total amount of loans disbursed during the year to concerns in which one or more Directors of the Corporation are interested as Directors,	

Partners, Proprietors or Managing Agents or in the case of private companies as members	6,85,225
(e) (i) Total amount of instalments whether Principal or Interest of which default was made anytime during the year	38,58,818
(ii) Total amount of instalments whether Principal or Interest overdue at the end of the year (excluding those against whom legal action has been taken and disclosed under (iv) below	6,35,943
(iii) Total amount of instalments whether Principal or Interest overdue by the concerns in which the Directors of the Corporation are interested	Nil
(iv) Total amount due from Industrial concerns against whom legal action has been taken for the recovery of the dues	30,94,282

		Profit and Loss Account for the Year	
Previous year	Expenditure	Amount	Total
7,27,555	To interest on Deposits, Bonds and Debentures and Borrowings		10,80,914
	To Salaries and Allowances		
29,900	(a) Managing Director (including Rs. 1,448/- Medical Charges, Rs. 3,624/- Leave Salary and Pension Contribution and Rs. 1,800/- Good Performance Reward)	35,267	
1,50,898	(b) Others (including Rs. 2,705/- Medical Charges, Rs. 36,461 Good Performance Reward and Rs. 563 LIC Group Insurance Premium)	2,23,407	2,58,674
	To Travelling and Other Allowances		
6,534	(a) Managing Director	7,603	
12,558	(b) Others	22,040	29,643
850	To Directors and Committee Members Sitting Fee		1,450
8,057	To Directors and Committee Members Travelling Allowances		10,708
6,527	To Contribution to Staff Provident Fund		6,594
20,251	To Rent, Rates, Taxes, Insurance and Lighting etc.		20,955
26,341	To Postage, Telegrams and Telephones		37,505
13,150	To Printing and Stationery		21,970
11,881	To Publicity and Advertisement		15,946
682	To Repairs and Renewals		5,277
148	To Bank Charges and Commission		858

31st March, 1975

Previous Year	Property and Assets	Amount	Total
2,63,24,458	Brought over		3,36,03,541
<p>(4) Figures have been rounded off to the nearest rupee and wherever necessary figures of the previous year have also been regrouped and rearranged to make them comparable with the figures of the current year.</p> <p>(5) Interest on sticky accounts during the year amounting to Rs. 29,512 has been credited to 'Interest Suspense Account.'</p> <p>(6) Individual balances of the loanees are subject to the adjustment that may be required to be made on account of Rs. 17,564 credited to the loan suspense account for want of details of T.T. received in the Banks. The balance outstanding in respect of loan and advances as on 31st March, 1975 are subject to confirmation by the loanees.</p>			
2,63,24,458	Total		3,36,03,541

SARITA PRASAD
Chairman

Annexure to our report of Date
J.C. CHANDIOK
Partner
for Walker Chandiook & Co.
Chartered Accountants
28th May, 1975

T.S. SRINIVASAN
S.K. KAPUR
A.L. BHATIA
CHATUR BHUJ MITAL
PANCHAM CHAND KATOCH

Directors

	Rs.		Rs.
(f) Debts guaranteed by the State Government Scheduled Banks and State Co-operative Banks	Nil	2. According to the Constitution of the Industrial Units	
(g) Debts guaranteed by the loanee concerns whose management has been taken over by the Corporation	Nil	(i) Proprietary	1,10,78,918
(h) Debts considered Bad and Doubtful	Nil	(ii) Partnership	53,86,105
		(iii) Hindu Undivided family	15,35,870
		(iv) Private Limited Companies	40,61,812
		(v) Public Limited Companies	79,77,431
		(vi) Co-operatives	29,567
			3,00,69,703
II. Schedule showing the classifications of loans and advances as at 31st March, 1975, according to the size of the industrial Units.			
1. According to the Size of the Industrial units			
(i) Debts due from Small Scale Industrial concerns	1,93,64,889	Less: Telegraphic Transfers received from parties in respect of which particulars are awaited from the Banks	17,564
(ii) Debts due from concerns other than those included under (i) above	1,07,04,814		
	3,00,69,703		3,00,52,139

Ended the 31st March, 1975

Previous year	Income	Amount	Total
	By interest on		
19,87,024	(a) Loans and advances	28,19,413	
580	(b) Investment and Deposits	4,391	
6,088	(c) Subsidy recoverable from Central Government	1,27,062	
2,014	(d) Advances to Staff	2,536	29,53,402
	By Commission		
	By Rent		
	By profit on sale of investment		
	By profit from sale of or dealing with other assets		
	(a) Profit from sale of acquired assets		1,081
	(b) Profit from sale of other assets		
	By Other Income		
	(a) Share Transfer and Sub-Division Fee	16	
11,970	(b) Miscellaneous Income	24,196	
1,595	(c) Sale of Application Forms	2,710	26,922

		Balance Sheet as at	
Previous year	CAPITAL AND LIABILITIES— <i>concl'd.</i>	Amount	Total
2,100	To Audit Fee includes Rs. 200/- for Provident Fund		2,200
37,816	To Law Charges		22,150
11,662	To Depreciation		15,008
562	To Discount on Bonds and Debentures written off		1,221
—	To Brokerage on Bonds and Debentures		13,750
—	To Other Expenses	2,091	
690	(a) Books and Newspapers	16,761	
9,373	(b) Entertainment (including Rs. 1,616/- through Managing Director)	11,096	
6,207	(c) Miscellaneous not enumerated (including Rs. 500 Earth Quake Relief Fund)	3,376	
1,400	(d) Winter Heating Expenses	3,669	
3,038	(e) Management Commission on Bonds	24,968	
19,830	(f) Guarantee Fee	41,938	
28,856	(g) Vehicles Maintenance and Running Expenses	13,082	
11,194	(h) Staff Training Expenses (including Rs. 300 to Managing Director)		1,16,977
2,847	(i) Uniforms to Class IV employees		—
—	To Bad Debts written off		—
—	To Loss on sale of Investment		—
—	To Loss on sale or dealing with other assets		—
—	(a) Loss on sale of acquired assets		—
—	(b) Loss on sale of other assets		—
8,356	To amount transferred to interest in Suspense		29,512
—	To Net Profit carried to Balance Sheet (subject to provision for taxation)		12,95,093
8,50,008			
20,09,271	Total		29,81,405

N. N. DIWAN
Development Officer.

ROMESH CHAND
Secretary.

GOBIND SAHAI
Managing Director.

INDUSTRIES DEPARTMENT

ORDER

Simla-2, the 11th November, 1975

No. Ind-II-B (10) 1/75.—Whereas the Governor of Himachal Pradesh issued notice to retire Shri D. D. Gandhi, District Industries Officer, Hamirpur in public interest after attaining the age of 50 years with effect from the fore noon of 15th October, 1975, or from the date the charge of the post held by him was actually taken over by Shri V. P. Gupta, District Industries Officer, Bilaspur, whichever date was later.

And whereas Shri V. P. Gupta has assumed charge of the post of District Industries Officer, Hamirpur on the 24th October, 1975 (fore noon).

Now, therefore, the Governor of Himachal Pradesh is pleased to retire Shri D. D. Gandhi, District Industries Officer, with effect from the 24th October, 1975 (fore noon).

P. K. MATTOO,
Secretary.

LABOUR DEPARTMENT

NOTIFICATION

Simla-171002, the 11th November, 1975

No. 2-94/69-SI.—Whereas the Governor, Himachal Pradesh is satisfied that public interest so requires.

Now, therefore, in exercise of the powers conferred by sub-clause (n) of section 2 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor, Himachal Pradesh is pleased to declare the Himachal Road

Transport Corporation, Simla a Public Utility Service in Himachal Pradesh for the purpose of the said Act for a further period of six months with effect from 21st October, 1975 to 20th April, 1976.

By order,
P. K. MATTOO,
Secretary.

ADDENDUM

Simla-171002, the 22nd October, 1975

No. 4-52/75-LEP (E).—Please add "as honorarium" after the words "at Rs. 100 P.M. (fixed)" appearing in fifth line of this department notification of even number, dated the 3rd September, 1975.

ANANG PAL,
Commissioner & Secretary.

LABOUR, EMPLOYMENT AND PRINTING AND STATIONERY DEPARTMENT

NOTIFICATION

Simla-171002, the 11th November, 1975

No. 2-361/69-SI.—The Governor of Himachal Pradesh is pleased to make following changes of representatives of employees appointed on the State Evaluation and Implementation Committee constituted vide this department notification of even number, dated 25th February, 1972, which was subsequently amended vide notifications of even number, dated the 28th/30th November, 1974 and 10-40/73-SI, dated the 25th March, 1974:—

1. Shri J. N. Bhardwaj, President of Himachal Committee of Indian National Trade Union Congress in place of Shri M. S. Togar.

31st March, 1975—concl'd.

20,09,271

29,81,405

SARITA PRASAD
Chairman.

Annexure to our report of Date
J. C. CHANDIOK
Partner
for Walker Chandiock & Co.
Chartered Accountants
28th May, 1975

T.S. SRINIVASAN
S.K. KAPUR
A.L. BHATIA
CHATUR BHUJ MITAL
PANCHAM CHAND KATOCH

Directors

2. Shri B. D. Lakhanpal, M.L.A., President; Himachal Road Transport Employees Federation and General Secretary, Himachal Indian National Trade Union Congress in place of Shri Gauri Nandan Sharma.

By order,
P. K. MATTOO,
Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-171002, the 23rd October, 1975

No. 9-75/73-PW(B).—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for construction of Chowari-Bharari road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section of 4 the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh Public Works Department, Chamba.

SPECIFICATION

District : CHAMBA

Tehsil : BHATTIYAT

Village	Khasra No.	Area Big. Bis.
JAMBLE/178	344	0 1
	345	0 1
	346	0 1
	347	0 2
	348	0 1
	349	0 1
	387	0 2
	388/1	0 2
	389/1	0 2
	389	0 3
	390	0 1
	400/1	0 1
	401/1	0 1
	403/1	0 3
	404/1	0 2
	405	0 1
Total Kitta	16	1 6
MATHIAR	379/1	1 18
Grand Total		3 4

By order,
GANGESH MISRA,
Secretary.

Simla-2, the 1st November, 1975

No. 1-49/69-Vol. IV-PW (A).—The orders issued vide this Government Notification of even number, dated the 30th October, 1975, are hereby withdrawn.

GANGESH MISRA,
Commissioner-cum-Secretary.

Simla-171002, the 11th November, 1975

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-171002, the 31st October, 1975

No. 4-10/73-Rev.II.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for construction of Staging Hut at Nesang, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, H.P.P.W.D., Kalpa, District Kinnaur.

SPECIFICATION

District: KINNAUR Tehsil: MOORANG

Village	Khasra No.	Area	
		Big.	Bis.
NESANG	23	0	6

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary (Revenue).

Simla-2, the 11th November, 1975

No. 4-4/75-Rev. Cell.—In exercise of the powers vested in him, under section 3(c) of the Land Acquisition Act, 1894, the Governor, Himachal Pradesh, is pleased to appoint Shri Mohar Singh Thakur, Land Acquisition Officer, B.S.L Project, Sundernagar to perform the functions of a Collector under the said Act for the work relating to the Beas Sutlej Link Project within the limits of Mandi district, from the date he took over the charge.

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं
इत्यादि

OFFICE OF THE DEPUTY COMMISSIONER
SIMLA DISTRICT

NOTIFICATION

Simla-4, the 4th October, 1975

No 5354-67.—Whereas the vacancies of office bearers in various Gram Panchayats of Simla district as mentioned below have occurred owing to reasons indicated against each.

Now, therefore, the vacancies are hereby notified for general information of the Public/Panchayats:—

S. No.	Name of Block	Name of Gram Panchayat	Nature of vacancy and ward number	Reasons of vacancy
1	2	3	4	5
1.	Mashobra	Tutu	Panch/Pradhan, Ward No. 7, Tutu-4.	Due to death of Sh. Narindar Lal Gupta.
2.	-do-	Chanog	Panch, Ward No. 3, Maori.	Due to removal of Sh. Nand Lal.

1	2	3	4	5
3.	Chhohara.	Tikkari	Panch, Ward No. 5, Khabal-2.	Due to death of Sh. Ramjiu.
4.	Theog	Dharampur	Co-opted Panch.	Due to death of Sh. Nahar Singh.
5.	-do-	Cheog	-do-	Due to death of Sh. Charan Ram.
6.	Narkanda	Bharari	Panch/Pradhan, Ward No. 6, Bharari.	Occurred due to removal of Shri Mast Ram.
7.	Rohru	Pujarli-4	Panch, Ward No. 6, Phiun-Karoti.	Due to death of Sh. Krishan Dev.

A. PRASAD,
Deputy Commissioner, Simla.

कार्यालय जिलाधीश, जिला शिमला

अधिसूचना

शिमला, 13 नवम्बर, 1975

प्रकाशन संख्या 5450.—हिमाचल प्रदेश सरकार की अधिसूचना संख्या 36-15/74-पंच, दिनांक 1-8-1975 के अधीन जो शक्तियाँ मुझे प्रदान की गई हैं, के अन्तर्गत मैं, अजय प्रसाद, जिलाधीश, शिमला मण्डल, हिमाचल प्रदेश, हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 9 (1) (अधिनियम संख्या 19 सन् 1970) जिसका उल्लेख हिमाचल प्रदेश ग्राम पंचायत नियम 19 में है, के अनुसार सब-तहसील कोटखाई में ग्राम सभा महासू, गुमा तथा बखोल की कार्यकारणी समिति (ग्राम पंचायत) के सदस्यों (पंचों) की संख्या निर्धारित करता हूँ, जिसका विवरण प्रत्येक ग्राम सभा के नाम के सामने नीचे दिए गए परिशिष्ट में किया गया है :—

क्रम सं०	नाम ग्राम सभा	जनसंख्या	सदस्यों (पंचों) की संख्या जो नियम 19 के अधीन निर्धारित किये गये हैं
1	2	3	4
1.	महासू	1667	13
2.	गुमा	568	9
3.	बखोल (शिला गांव)	876	9

अजय प्रसाद,
जिलाधीश ।

OFFICE OF THE DEPUTY COMMISSIONER CHAMBA DISTRICT (H. P.)

ORDER

Chamba, the 28th October, 1975

No. 14. CBA-4(41)/73/PA.—In pursuance of instructions contained in letter number FDS-A (3)-8/75, dated 2-8-1975, from the Secretary (Food & Supplies) to the Government of Himachal Pradesh and in supersession of the previous orders issued in this behalf, I, I. K. Suri, Deputy Commissioner, Chamba, hereby reconstitute the District Level Food Advisory Committee for procurement and distribution of Essential commodities in Chamba district, as under:—

1. Deputy Commissioner, Chamba	Chairman
2. Shri Vikram Mahajan, M. P.	Member
3. Shri Vir Bhadra Singh, M. P.	"
4. Shri Kishori Lal, M.L.A.	"
5. Shri Vidya Dhar, M.L.A.	"
6. Shri Siri Ram, M.L.A.	"
7. Smt. Padma, M.L.A.	"
8. President, District Congress Committee	"
9. General Secretary, District Congress Committee	"

10. President, Municipal Committee, Chamba	Member
11. President, Municipal Committee, Dalhousie	"
12. All Chairmen of B. D. Cs.	"
13. Dr. Surender Moham, Secy. Beopar Mandal	"
14. Shri Kuldip Chowfla, Chamba	"
15. Shri Krishan Lal, Frontier Genl. Store, Chamba	"
16. District Co-op. & Supplies Officer	"
17. Supdt. of Police, Chamba	"
18. Excise and Taxation Officer/AE&TC Chamba	"
19. President, NGOs' Federation, Chamba	"
20. Smt. Veena Barotra, Mohalla Chontra, Chamba	"
21. Smt. Kushal Chowfla, Mohalla Jansali, Chamba	"
22. Mrs. Sagar Chand Nayyar, Lakshmi Talkies, Chamba,	"
23. District Food & Supplies Controller	Member-Secretary.

FUNCTION

The functions of the committee will be to advise the Government with regard to matters relating to procurement, distribution and pricing of essential commodities and to maintain adequate public relations in the context of the State policies in these regards, from time to time. The committee would also ensure that the Government instructions for the early redressal of public grievances, if any, on the aforesaid subject is carried out properly and promptly. The function of the committee will, however, be purely advisory.

JURISDICTION

The jurisdiction of the District Level Food Advisory Committee will comprise of the whole of Chamba district.

PAYMENT OF T.A. AND D.A. TO MEMBERS

The non-official members of the committee shall be entitled to draw T.A. and D.A. as per rules specified in the H.P. Govt. notification No. 8-7/73-F&S, dated 15-9-1973.

I. K. SURI,
Deputy Commissioner,
Chamba.

OFFICE OF THE DEPUTY COMMISSIONER BILASPUR DISTRICT, HIMACHAL PRADESH

OFFICE ORDER

Bilaspur, the 29th October, 1975

No. 2-Dev-2 (14)SADAR/71.—20 days earned leave with effect from 10-11-75 to 29-11-1975, with permission to suffix and prefix holidays falling on 8-11-75, 9-11-75 and 30-11-1975 is hereby sanctioned in favour of Shri N. S. Guleria, Block Development Officer, Sadar subject to verification of title by the Audit Office.

"Certified that Shri N. S. Guleria, would have continued to officiate as Block Development Officer, Sadar, but for his proceeding on leave from 10-11-75 to 29-11-75, with prefix and suffix holidays falling on 8-11-75, 9-11-75 and 30-11-75 and that this period would count for his annual increments in the grade".

"Certified that Shri N. S. Guleria, B.D.O., Sadar is likely to return to duty to the same station from where he is proceeding on leave on the expiry of leave.

2. Shri N. D. Kapoor, Head Clerk, Sadar Block being the senior-most official in the Block shall hold the routine charge of B.D.O., Sadar in addition to his own duties without additional remuneration.

NARBIR SINGH,
Deputy Commissioner
Bilaspur district.

FOREST DEPARTMENT KOTGARH FOREST DIVISION

NOTIFICATION

Kotgarh, the 28th October, 1975

No. C. XXIII-2/1319-1500/CF.—In exercise of powers vested in me under rule 9 of the Sutlej River Rules notified under Himachal Pradesh notification No. 29-256/48, dated 12-7-1949 in supersession of the previous notification, it is hereby notified for the general information that launching and floating fee in Sutlej River and its tributaries within the territory of Kotgarh Forest Division, are fixed for the year 1st July, 1975 to 30th June, 1976:—

Sr. No.	Description of timber	Rate per unit
1.	Logs of all kinds	15 paise
2.	B. G. Sleepers & sawn scantlings of all descriptions.	10 "
3.	Hakries of all descriptions	5 "
4.	Logs & Ballies less than 1 cubic metre in volume.	10 "
5.	Logs & Ballies above 1 cubic metre in volume.	15 "
6.	Fire-wood scraps (per quintal)	5 "
7.	Bamboos (per hundred)	20 "

All kinds of logs/sleepers/scants of all sizes to be collected through the Punjab Irrigation Department with the help of a Motor Launch in the Govind Sagar.

As may be charged by the Punjab Irrigation Department.

T. S. PATYAL,
Divisional Forest Officer,
Kotgarh Forest Division, H. P.

INDUSTRIES DEPARTMENT

NOTIFICATIONS

Simla, the 27th October, 1975

DECLARATION UNDER SECTION 24 OF THE ACT

No. SML LOAN/63-64/4422.—Whereas a notice was served on Shri Probodh Singh Aukta s/o Shri Surat Ram Aukta, V. Old Jubbal, Tehsil Jubbal, District Simla, Himachal Pradesh on 20-9-75 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971, calling upon the said Shri Probodh Singh Aukta to pay to me the sum of Rs. 3,750 plus interest on or before 10-10-75 and whereas the said sum has not been paid, I hereby declare that the said sum of Rs. 3,750 plus interest plus penal interest is due from the said Shri Probodh Singh Aukta and the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

(1) All assets of borrower including book debts, stock, shares, premises and machinery whether existing or purchased with the amount of loan.

(2) Property of the following two sureties:—

(1) Shri Nikka Ram s/o Sania, V. Old Jubbal, Tehsil Jubbal, District Simla.

(2) Shri Sant Ram s/o Shri Devi Dass Sharma, V. Chuntara, Tehsil Jubbal, District Simla (H.P.).

S. S. GHUMMAN,
Project Executive Officer,
Rural Industries Project,
Simla district (H.P.).

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ

इन्कम-टेक्स द्वारा अधिसूचित आदेश इत्यादि

HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATION

Simla-171002, the 25th September, 1975

No. 2-1/71-H&FP.—The Governor, Himachal Pradesh is pleased to make the following rules for grants-in-aid to Voluntary Organisations and Local Bodies for Family Planning Programme in Himachal Pradesh:—

PART I

INTRODUCTION

1. With a view to extending the scope of voluntary agencies and bringing them into the programme in a large number grant-in-aid will be made available to

such voluntary organisations and local bodies in Himachal Pradesh as would like to take up any of the aspects of the Family Planning Programme mentioned in Part III of these rules.

1.1 Application for grant-in-aid not exceeding Rs. 7,500 will be considered by the Grants Committee at the District Level consisting of Chief Medical Officers, Medical Officer of Health or Deputy Chief Medical Officer (Health) and the District Family Planning Officer.

1.2 Application for amounts exceeding Rs. 7,500 but not exceeding Rs. 50,000 shall be considered by the Grants Committee, consisting of the Director, Health Services, the State Family Planning Officer and the

Regional Director (Family Planning) of the Government of India and submitted to the Government for sanction.

Explanation.—Term “Government” used in the rules means the Government of Himachal Pradesh.

PART II

CONDITIONS OF ELIGIBILITY FOR ASSISTANTS

2.1 In order to be eligible for financial assistance for Family Planning Programme, an institution/organisation should possess the following characteristics:—

- (a) It should have a legal status permitting the entrustment of public funds to it i.e., it should be a registered body under the Societies Registration Act, 1860, or any other status, or an institution of All-India character;
- (b) it should be non-official and under non-proprietary management;
- (c) it should have a well defined objective to promote the field of Family Planning;
- (d) it should not be run for profit to any individual or group of individuals but should serve the general public without any distinction of caste, creed, colour or religion;
- (e) it should have personal resources and managerial ability to carry out the purposes for which the grant-in-aid has been applied for;
- (f) its work and financial position should be reported as satisfactory by the Director of Health Services;
- (g) it should agree to furnish periodical reports of its working etc., and the annual statements of accounts duly countersigned by the Chartered Accountant or the Accountant General, Himachal Pradesh or any officer of the Government authorised by the Director, Health Services in this behalf;
- (h) it should agree to consider and abide by the suggestion from the Director, Health Services, Himachal Pradesh and to follow his directives in respect of working of the institution or standard or service, etc;
- (i) it should agree that if any of the conditions or direction have been violated or the grant has not been particularly utilised for the purpose for which it was sanctioned, the whole of the grant or such portion thereof as may be determined by the Government will be refunded along with a penal interest at the rate of 8 per cent P.A. on such amount by the organisation to the sanctioning authority;
- (j) it should agree to abide by the conditions attached to the grant-in-aid by the Government.

2.2 In the event of default the amount due from the institution/organisation shall be recovered as arrear of land revenue.

2.3 No institution/organisation will be entitled to claim grant-in-aid as a matter of right and no reason shall be assigned by the Government for non-consideration of an application.

2.4 The grant-in-aid will be subject to the general rules regarding grant-in-aid as laid down in the General Financial Rules and other orders issued by the Government from time to time.

PART III

PURPOSE OF GRANT-IN-AID

3.1 Grants shall be admissible for any aspects of the Family Planning Programme such as educational promotional part of the work, distribution of contraceptives, running of a centre with all its functions, taking up an activity on special occasions, e.g., organising of the Family Planning Exhibition on the occasion of a big mela, etc., or participating in an educational drive during the family planning week/fortnight. Non-recurring grant shall also be admissible for the purchase of equipment; furniture, educational aid and repairs, building.

3.2 Pattern of assistance is given in Appendix (A) to these rules. The scale of pay and allowances for the staff should not normally exceed that sanctioned for the corresponding staff of the Government.

3.3 After taking into consideration the scale of pay for the staff and rent for accommodation the Government may fix the ceilings for each purpose.

3.4 Ceilings under different items may be varied upto 5% provided scales of pay and allowances for the staff do not exceed those prescribed for the corresponding staff of the Government.

3.5 The expenditure on contraceptives may be allowed on “as require basis” which should be the cost of contraceptives actually distributed and not the expenditure incurred on the purchase.

PART IV

PROCEDURE FOR SUBMISSION OF APPLICATIONS

4.1 The applications on prescribed form as given in Appendix ‘B’ should be submitted through the Family Planning Officer of the District/District Medical Officer of the district concerned in which the institution is situated, separate applications should be submitted for each project.

4.2 The District Family Planning Officer/District Medical Officer of Health (where the District Family Planning Officer is not in a position) will scrutinise the application carefully and forward the same through the District Medical Officer concerned to the Director, Health Services with his/her recommendations.

4.3 The District Family Planning Officer/District Medical Officer of Health, as the case may, be will satisfy that—

- (a) the institution is of recognised competence and ability;
- (b) the estimates have been checked and found reasonable;
- (c) the establishment of a Family Planning Clinic/Centre in the locality proposed is necessary and there is no over lapping of services.

4.4 Each application should be accompanied by the following documents:—

- (i) a certificate of applicant stating—
 - (a) that the institution/organisation is registered under the Registration of Societies Act, 1860 or other appropriate Act or is a regularly constituted Branch of a registered organisation (the name of the Act under which the organisation is registered should be stated);

Provided that an institute which is merely affiliated to a registered organisation without being a branch

should get itself registered separately. In case an institution is not registered at the time of submission of application, it should get registration completed before the grant can be allowed to be drawn;

- (b) that the organisation has a regularly constituted managing committee;
 - (c) that the organisation does social welfare work for the public on no-profit basis;
 - (d) that the grant-in-aid will be utilised for the purpose for which it is sanctioned;
 - (e) that the service to the public will be provided free of charge except for sale and distribution of contraceptives which will be according to prescribed instructions;
 - (f) that the audited statements of accounts will be sent at the end of each financial year;
 - (g) that monthly, half yearly and annual progress report will be sent regularly as desired.
- (ii) That the organisation will faithfully carry out condition laid down in Part V of these rules, and such other conditions as may be laid down by the Director, Health Services for efficient working of the Family Planning Programme from time to time.
- (iii) A certificate from the District Magistrate/Local Administrative authority to the effect that statements made in the application as well as in the above certificates are correct as far as he is aware, that the bona fides of the organisation and its financial position are satisfactory and that there is nothing against the organisation or its office bearer which should disqualify them from receiving financial assistance from the Government.
- (iv) Latest annual report and a copy of the constitution of the institutions.
- (v) copies of audited statement of accounts for the last three years.
- (vi) Any other documents which may give information on the activities of the institution and its financial position as required by the Director, Health Services:

Provided that audited statement of accounts shall not be insisted upon the case of grant-in-aid not exceeding Rs. 20,000. In such cases, the Government may get the accounts audited departmentally.

4.5 In order to have objective assessment of the work of voluntary agencies with reference to the actual results every time grant is sanctioned the Director, Health Services will ensure that the targets laid down for the purpose have been fulfilled by the agency applying for assistance.

PART V

CONDITIONS OF THE GRANT

5.1 The institution/organisation should maintain an account with Bank or Post Office in the name of the institution and not of an individual whether by name or designation. The accounts should be operated jointly by two office bearers.

5.2 The entire amount of the grant should be utilised for the purpose for which it is sanctioned within a period of one year from the date of sanction or before the close

of the financial year in which the grant is sanctioned, whichever is earlier.

5.3 If the grant or any part thereof is proposed to be utilised for a purpose other than that for which it is sanctioned, prior approval of the Director, Health Services shall be obtained by the grantee. Purpose for which the grant can be diverted should be one of those enumerated in rule 3.1.

5.4 No article should be purchased involving foreign exchange expenditure and no assistance for the import of any article will be provided by the Government.

5.5 In the case of grants for construction or alteration of buildings, once the plans and estimates of the buildings have been approved and grant released they shall not be modified by the Organisation without the prior approval of the Director, Health Services.

5.6 In the case of grants for construction/alteration of buildings, the institution will spend an equal amount on the construction/alteration etc. from its own resources and furnish a completion report from qualified Architect/Engineer along with particulars of the rooms constructed and their areas and item by item details of expenditure actually incurred together with a certificate from the State Public Works Department that the rates charged are not more than the prevailing P.W.D., Schedule of Rates for similar work.

5.7 In the case of a building grant, the Government will have prior lien on the building for the recovery of the amount paid as grant, in the event of building ceasing to be utilised for the purpose for which the grant was given.

5.8 The institution will submit to the Government reports indicating progress of the construction work and expenditure actually incurred from the grant as and when required by the Director of Health Services.

5.9 The equipment purchased or the building constructed with the aid of the grants will vest in the Government and the institution/organisation shall maintain an audited record in Form I of all permanent and semi-

permanent assets acquired wholly or substantially out of the grant. Such assets shall not be disposed of, encumbered or utilised for purposes other than those for which the grant was given without prior permission of the Director, Health Services. Should the institution/organisation cease to exist at any time, such properties shall revert to the Government.

5.10 The accounts of the grant shall be maintained by the grantee properly and separately from its normal activities and submitted as and when required by the Director of Health Services or his nominees. They shall always be open to inspection by the nominee of the Director of Health Services. They shall also be open to test check by the Accountant General, Himachal Pradesh at his discretion.

5.11 The institution/organisation receiving grants shall maintain separate registers for assets in respect of each sanctioning authority and a copy thereof furnished to the Director of Health Services annually with the audited accounts after the close of the financial year.

5.12 The grantee institution/organisation will execute a bond in Form II of non-judicial stamp paper with two sureties to the effect that the institution/organisation will

abide by the conditions of the grant. In the event of any failure to comply with sureties individually and jointly will be liable to refund the entire amount of the grant together with interest thereon.

5.13 The requirement of furnishing two sureties will not be necessary if the grantee institution/organisation is a society registered under the Registration of Societies Act, 1860 or is a Co-operative Society.

5.14 When the Bond is also signed by two sureties, both of them should be solvent and owner of such assets worth not less than the amount of the bond as can be attached and sold in execution of a court's decree. This Fact should be certified by the District Magistrate or any other equivalent authority of the body of the bond.

5.15 The institution/organisation shall submit a statement duly attested by the auditor along with the audited accounts, certifying in Form III clearly that they were not sanctioned grant-in-aid for the same purpose by any other department of the Central or the Himachal Pradesh Government.

5.16 When the Director, Health Services has reasons to believe that the sanctioned money is not being utilised for approved purpose, the payment of further grants may be stopped and the earlier grants recovered.

5.17 Any portion of the grant which is not utilised for the expenditure upon the objects for which it was sanctioned will be refunded in cash to the Government before the close of the financial year in which the grant was sanctioned, failing which it will be adjusted against the grant admissible to the institution/organisation in the subsequent year.

5.18 No portion of the grant will be utilised for the furtherance of political movement.

5.19 The grantee will not indulge in corrupt practices.

PART VI RELEASE OF GRANT

6.1 *New Grants.*—On receipt of an application in accordance with the procedure prescribed in Part IV of of these rules it should be examined in accordance with these rules. The amount admissible may, when it is of recurring nature, be paid in two instalments.

6.2 *Continuation of grants.*—(i) Applications for continuation of grant will be sent six monthly (April—October). Continuation grants will be released on receipt of accounts in October, countersigned by the Deputy Commissioner of the District concerned, and audited statement of accounts at the end of the financial year other documents and utilisation certificate in Form IV that the head of the institution/organisation to which the grant was sanctioned by the entire amount of the grant has actually been utilised for the purpose for which it was intended.

(ii) Grant will not be renewed if the progress is not found to be satisfactory.

(iii) If for some reasons an audited statement of account in respect of the past expenditure against the grants sanctioned cannot be readily submitted, 50 % of the grant due may be sanctioned on submission of a statement of accounts countersigned by the Deputy Commissioner of the District concerned.

6.3 The expenditure on grants sanctioned under these rules will be debitable to Major Head "30—Public Health B-3-Grants to local Bodies/Voluntary Organisation for Family Planning Work".

APPENDIX 'A'

(See rule 3.2)

PATTERN OF ASSISTANCE ADMISSIBLE TO VOLUNTARY ORGANISATION AND LOCAL BODIES FOR IMPLEMENTATION OF FAMILY PLANNING PROGRAMME IN HIMACHAL PRADESH

	Rs.
I. URBAN UNITS:	
<i>Non-Recurring:</i>	
Equipment, furniture, building repairs and educational aid	3,000
<i>Recurring (Annual)</i>	
*Full time/Part-time Medical Officers (at least two)	
Male	1
Female	1
Family Planning Extension Educators—	
Female	1
Male	1
Family Planning Welfare Workers—	
Female	1
Male	1
Store-keeper-cum-Clerk-cum-Accountant	1
Attendant	1
<i>Contingencies:</i>	1,000
(It includes expenditure on Family Planning Day, special meetings, Educational and publicity materials, etc.)	
<i>Contraceptives***</i>	1,500
Total	5,500

*Part-time Medical Officers will be appointed as far as possible.

The number of such officers should depend on work load.

**Provided on*as required basis*

II. UNITS OF SOCIAL WELFARE BOARD AND BHARTIYA-GERMAN MAHILA SANGH.

Non-recurring.

*Construction of accommodation for an Family Planning Welfare Centre and Residential Accommodation for Family Planning Welfare Worker, equipment and furniture .. 7,500

Recurring (Annual):

(For one Family Planning Welfare Worker, for each centre including contingencies) .. 3,000

*Contraceptives****

The accommodation as provided under non-recurring expenditure may, subject to the cost of Rs. 7,000, including:—

(a) a living room, kitchen, bath room, lavatory and a verandah for residence of the Family Planning Welfare Worker;

(b) two rooms for welfare centre, a store and pantry, sanitary annexe and a room for group meetings.

***Supplementary grant will be provided on "as required basis".

A grant of Rs. 6,500 will also be admissible to the Social Welfare Advisory Board to meet the expenditure on pay, T.A. and D.A. of Clerk-cum-Accountant and a Social Worker for supervision and guidance of the rural centres. This grant will be released on the recommendations of the Central Social Welfare Board.

III. UNITS IN INDUSTRIES/TEA GARDENS

(a) Category-I Grants for contraceptives as "on required basis".
(Population less than 10,000)

(b) Category II Non-recurring.
(Population between 10,000 and 50,000) Equipment, furniture and education aid .. Rs. 3,000
Recurring:
One Health Visitor or A.N.M. or F.P. Welfare Worker or P.H. Nurse.
Contraceptives and and contingencies Rs. 2,500

APPENDIX 'B'

(See rule 4.1)

FORM OF APPLICATION FOR GRANT-IN-AID UNDER FAMILY PLANNING SCHEME

To
The Director of Health Services,
Himachal Pradesh, Simla-171004.

Through the District Medical Officer.

Subject: Application for grant-in-aid under Family Planning Scheme.

On behalf of the.....
(Name of the institution/organisation)

I apply for grant-in-aid of Rs. for opening/maintaining..... urban clinics. Necessary details of the scheme are given below:—
(Number)

1. Name of State.....
2. Name of voluntary organisation/institution of Local Bodies.....
Affiliated to.....
Organisation/Institution registered or not.....

Name and the authority in whose name the grant should be sanctioned.....

3. Particulars of the clinic/clinics for which the grant is required:—

Sl. No.	Location	Population to be covered	Name or continuation or old existing clinic
1	2	3	4

If existing Name, address of Distance between
clinic date when any other F.P. the Family Planning
opened Clinic serving Clinical already existing
the population and the clinic pro-
covered by the new posed
clinic proposed

5 6 7

4. Equipment required Rs.....

(Attach a list showing cost of each item and total cost excluding the cost of building and rent).

5. Details of the proposed training programme and the estimated expenditure as per annexure 'A'.

6. Proposed staff:

Name and number of Qualifications prescribed for
posts the posts

1 2

Pay scale and Nature of employ- Qualifications of
allowances per ment (Part-time or persons employed
month Rs. full-time) in each post
3 4 5

7. Details of other recurring expenditure per annum, if any.

8. Total expenditure:—

Non-recurring .. Rs.
Recurring .. Rs.
Total .. Rs.

9. Estimated annual income and sources thereof (recurring and non-recurring separately) of the organisation during the current and the previous year. As per Annexure 'B'.

10. Amount of assistance required for implementing the scheme for one year showing recurring and non-recurring items separately. As per Annexure 'C'.

11. Additional details, if any.

12. On behalf of the management declare—

- (a) that the organisation is registered under the Registration of Societies Act, 1890/or (the name of the Act under which the organisation is registered should be stated);
- (b) that the organisation has a regularly constituted managing committee;
- (c) that the organisation does social welfare work for the public on no profit basis;
- (d) that the grant-in-aid will be utilised for the purpose for which it is sanctioned;
- (e) that the service to the public will be provided free of charge except for the sale of contraceptives and distribution of contraceptives according to prescribed instructions;

(f) that the audited statements of accounts will be sent at the end of the financial year;

(g) that monthly, half yearly and annual progress reports will be sent regularly as desired.

All assets created out of the grant given by the Government will not be transferred to any person/institution without the prior concurrence of the Government. If at any time, the organisation/institution ceases to exist, the property built or equipment purchased out of the Government grant will revert to the Government of Himachal Pradesh.

The accounts of the institution shall be properly maintained and may be checked by the Officer deputed by the Government/Director of Health Services, Himachal Pradesh.

If the State/Director, Health Services, Himachal Pradesh has reason to believe that the affairs of the Institution/Organisation are not being properly managed or the sanctioned money has not been utilised for approved purpose, the Government may stop payment of further instalments of grant and the management will undertake to refund such money as the Government may decide.

The institution/organisation shall exercise the utmost economy in its working especially in respect of expenditure out of the grant for equipment.

The terms and conditions laid down in the Rules for financial assistance to local bodies and Voluntary Organisation are acceptable to us.

Signature on behalf the management.
(Designation).

Comments of the District Magistrate/Local Administrative Authority

Grant is recommended. So far as I am aware, the bonafides of the organisation and its financial position are satisfactory and that there is nothing against the organisation or its office bearer/staff which should disqualify them from receiving financial assistance from the Government.

Dated, 19

Signature
Designation
Stamp.

Recommendations of the District Family Planning Officer/ District Medical Officer of the District Concerned

The application from..... (Name of the institution/organisation) is forwarded duly recommended to the Director of Health Services, Himachal Pradesh, Simla with the following comments:—

1. that the institution is a recognised one;
2. that the application has been examined and it is found that it is concerned under the scheme;
3. the scheme for which the application is being recommended is absolutely essential for the development/expansion of the Family Planning Programme;
4. that the estimates have been checked up and are found reasonable;
5. that the institution is of outstanding character;
6. that the institution has been inspected;
7. the institution is in a position to meet its share of expenditure.

Recommended that the following grant may be given to the institution/organisation mentioned above by the Government.

Item	Recurring Rs.	Non-recurring Rs.	Total Rs.
(a)			
(b)			
(c)			
(d)			
(e)			
Total			

Dated, 19

Chief Medical Officer,
..... District (H.P.).

FORM 'I'
(Rule 5.9)

REGISTER OF ASSETS ACQUIRED WHOLLY OR SUBSTANTIALLY OUT OF THE GOVERNMENT GRANTS (TO BE MAINTAINED BY THE GRANTEE INSTITUTIONS)

Name of the Grantee institution						
S. No.	No. and date of sanction	Amount of the sanctioned grant	Brief purpose of the grant	Whether any condition particulars of the right of ownership of Govt. assets actually in the property or other assets created or acquired out of the grant was acquired incorporated in the grant-in-aid sanction	The assets acquired out of the grants shall not, without the prior sanction of D.H.S., H.P. be disposed or encumbered or utilized for the purpose other than those for which the grant was sanctioned	Value of the asset acquired
1	2	3	4	5	6	7

Purpose for which utilized at present	Encumbered or not	Reasons, if encumbered	Disposed of or not	Reasons and authority, if any, disposal for	Amount realised on disposal	Remarks
8	9	10	11	12	13	14

- Notes.—1. A separate proforma should be maintained in respect of each sanctioning authority.
2. A copy of this proforma should be submitted annually to the D.H.S., H.P.

This Bond is made by us, Shri.....
aged.....years son of Shri.....
resident of.....for
and on behalf of.....Association
registered under the Societies Registration Act, 1860 and
having its office at.....in the State of
Himachal Pradesh (hereinafter called 'the obligor') and
Shri.....aged.....years, son of.....
resident of.....(Hereinafter called
'sureties').

AND WITNESSES that we are held and firmly bound,
jointly and severally to the Governor of Himachal
Pradesh Rs.....() only
to be paid to the said Governor, his heirs, executors,
administrators or assigns (hereinafter called obligee) on
the terms and conditions hereinbefore:—

NOW, THEREFORE, THIS BOND IS executed by the afore-
said Shri.....Shri.....
and Shri.....and binds the aforesaid
obligors and sureties as under:—

Whereas at the request on the obligor, the Governor,
Himachal Pradesh through.....have sanctioned
a grant-in-aid of Rs.....(Rupees.....)
vide their letter No.....dated.....(hereinafter
referred to as 'the said letter') which forms an integral
part of those presents and a copy whereof is annexed
hereto and marked with the letter 'A' for the purpose
of and condition of the obligor executing along with
two sureties a bond in favour of the said Governor on
the terms and conditions and in the manner hereinafter
contained which the obligor has agreed to do.

Now this Bond Witnesses and it is hereby agreed and
declared as follows:—

- (1) That the Obligor shall utilise the said grant-in-aid Rs.....(Rupees.....) only for the purpose specified in the said letter and for no other purpose whatsoever.
- (2) That the Obligor shall abide by all the terms and conditions in the said letter and the General Financial Rules and any orders or instructions that may be issued by the Government from time to time.
- (3) That in the event of any failure on the part of the obligor to abide by any of the terms and conditions of the grant-in-aid specified in the said letter or his committing any breach thereof, the Governor will be at liberty to order the obligor and/or the sureties or either of them to repay in full forthwith the entire grant-in-aid amounting to Rs.....(Rupees.....) or any part thereof with interest thereon at the rate of eight per cent (8%) per annum and any order made by the.....in respect will be final and binding on the obligor and the sureties and

on receipt of the said order the obligor and the sureties shall jointly and severally forthwith and without any objection pay to the Government such sum not exceeding a sum of Rs.....(Rupees.....) plus interest thereon as may be fixed by the appropriate authority and the decision of the Secretary to the Government of Himachal Pradesh in the Health Department about the amount so to be paid shall be final and conclusive:

Provided and it is hereby agreed by the obligor and the sureties that the Government will have prior lien on the building for the recovery after amount paid as in grant in the event of the building ceasing to be utilised for the purpose for which grant was sanctioned in the said letter.

NOW THE CONDITION of the above written bond is such that if the obligor utilising the grant-in-aid only for the purpose specified in the said letter and abiding by, fulfilling and performing all the terms and conditions of the said letter, the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue:

PROVIDED always and it is hereby agreed and declared that the decision of the Secretary to the Government of Himachal Pradesh in the Health Department as to whether the obligor has or has not performed and observed the obligation and conditions hereinbefore recited shall be final and binding:

Provided further that the liability of the sureties hereunder shall not be impaired, be discharged by reason of time being granted or any forbearance of the Government or any person authorised by the (whether with or without the knowledge or consent of the sureties) or shall it be necessary for the Government to see or take action against the obligor before issuing or taking actions against the sureties or either of them.

IN WITNESS whereof these presents have been signed by Shri.....for and on behalf of the obligor and Shri.....and Shri.....as.....the sureties.....dated.....
Signed by Shri
in the presence of

Witness (1) Sd/-.....dated.....

Name and address.....

Witness (2) Sd/-.....dated.....

Name and address.....

Signed by Shri.....and Shri.....
(Sureties) in the presence of witness (1) Sd/-.....

Dated.....

Name and address.....

Witness.....

(2) Sd/-.....

Dated.....

Certified that the sureties named above are relevant and are owner of such assets worth not less than the amount of the Bond as can be attached and sold in execution of a Court's decree.

(Signature of the Distt. Magistrate)

(Signature of the Distt. Magistrate
or any other equivalent authority)
(Name to be given in block letters)

Designation.....
(with seal of authority)

FORM 'III'

(See rule 5.15)

CERTIFICATE

Certified that no grants or aid have been made to by the Government of India or any other Department for the purpose for which the following grant is sought and that grant for the same purpose has not been refused by the Government of Himachal Pradesh in the Department of Health or any other Department of Central Government or the Himachal Pradesh Government.

Dated.....

Place.....

Signature of the grantee.

Details of the grant applied for.

FORM 'IV'

(See rule 6.2)

UTILISATION CERTIFICATE

Certified that the expenditure against the grant sanctioned to the has been verified from the vouchers in support therefore, and that it has been incurred on the following recurring/non-recurring items for which it was sanctioned by the Himachal Pradesh Government

vide their letter No. dated
Voucher No. Date Particulars Quantity Amount
Dated

Signature of the Chartered Accountant.

Signature of Incharge of the Institution.

R. C. GUPTA,
Secretary.

INDUSTRIES DEPARTMENT

ADDENDUM

Simla-171002, the 30th October, 1975

No. 5-68/72-SI (Estt.).—In the amendments of the Class-II Rules of the Sericulture Organisation notified vide notification of even number, dated the 18-8-75, the word "(Sericulture)" may be added after the words "Silk Seed Production Officer" against col. 1 & 2 in Annexure III. Further the word "en bloc" may be added after the word "placed" and before the word "below" in last but one line against col. No. 7 of same Annexure III.

ANANG PAL,
Secretary.

REVENUE DEPARTMENT

NOTIFICATION

Simla-171002, the 4th November, 1975

No. 27-5/74-Rev. B.—The columns prescribed under Table 9 of Chapter 10 of the Himachal Pradesh Land Records Manual regarding quinquennial return of catties and carts etc. shall be omitted while printing the village Note Book (*Lal Kitab*) and shall subsequently be substituted by the columns as may be prescribed by the Government of India at the time of each quinquennial Live Stock Census.

By order,
L. HMINGLIANA TOCHHAWNG,
Financial Commissioner.

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-171002, the 1st November, 1975

No. 14-29/71-LSG.—Whereas it appears to the Governor of Himachal Pradesh that land is likely required to be taken by the Municipal Committee, Mandi, District Mandi at its own expense for a public purpose, namely for the construction of a Municipal Market to adjust the temporary stall-holders presently allotted sites in Seri Bazar. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

2. This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it concerns.

3. In exercise of the powers conferred by the aforesaid section, the Governor of Himachal Pradesh

is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection to the acquisition of this land in the locality may, within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector Mandi, District Mandi.

SPECIFICATION

District: MANDI Tehsil: MANDI SADAR

Village/Town	Khasra No.	Area in sq. m.
1	2	3
	321	22.92
	322	14.85
	323	27.06

1	2	3	1	2	3
	324	165.24		331	131.04
	325	5887.13		334	861.01
	326	238.42			
	327	522.08			
	328	178.35			
	329	1832.26			
	330	3.88			

By order,
P. K. MATTOO,
Secretary.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of Shri Surendra Prakash, M.A., LL.B.,
Senior Sub-Judge, Simla

CIVIL SUIT NO. 124/1 OF 1975

In case of Shri Govind Ram Sharma and
others ..Plaintiffs.

Versus

Shri Bhagat Ram and others ..Defendants.

SUIT FOR PERMANENT INJUNCTION

To

Village Ganeog:

1. Shri Dhunda s/o Barfu.
2. Shri Ganga Ram s/o Barfu.
3. Shri Gita Ram s/o Jalap Ram.
4. Shri Purnu Ram s/o Shri Kalja.
5. Shri Joginder Kumar s/o Shiv Ram.
6. Shri Bhoop Ram s/o Shri Shiv Ram.
7. Shri Krishan Lal s/o Shri Naranjan.
8. Shri Brahma Nand s/o Chet Ram.
9. Shri Chet Ram s/o Shiva.

Village Bhukho:

1. Shri Tulsi Ram s/o Durga Ram.
2. Shri Jagdish Ram s/o Shri Tulsi Ram.
3. Shri Kanshi Ram s/o Bhimi.
4. Shri Umed Ram s/o Shri Jhonka.
5. Shri Devi Ram s/o Balia.
6. Shri Thakur Dutt s/o Deep Ram.
7. Shri Surat Ram s/o Shri Durga Ram.

Village Androl:

1. Shri Bijā Ram s/o Shri Daulat Ram.
2. Shri Jeet Ram s/o Shri Daulat Ram.
3. Shri Lachhmi Nand s/o Shri Daulat Ram.
4. Shri Nika Ram s/o Shri Jeet Ram.
5. Shri Ramji Dass s/o Jit Ram.
6. Shri Ram Lal s/o Shri Lachhmi Nand.
7. Shri Bishma Ram s/o Shri Lachhmi Nand.
8. Shri Sehaj Ram s/o Lachhmi Nand.
9. Shri Parma Nand s/o Haria.
10. Shri Surat Ram s/o Haria.
11. Shri Brahma Nand s/o Uma Ram.

Village Nehra:

1. Shri Ratia s/o Shri Bairi.
2. Shri Chatia s/o Shri Bairi.
3. Shri Sarnu Ram s/o Bairi.
4. Shri Phagnu s/o Shri Padma.
5. Shri Shodru s/o Shri Padma.
6. Shri Lachhmi s/o Puria.
7. Shri Besria s/o Shri Puria.

8. Shri Surtia s/o Shri Pheenja.
9. Shri Jukmia s/o Shri Mathu.
10. Shri Santu s/o Shri Hukmia.
11. Shri Jethu s/o Shri Atru.
12. Shri Chetia s/o Shri Bhagtia.
13. Shri Nokhia s/o Bhagtia.
14. Shri Gorkhia s/o Bhagtia.
15. Shri Maghu s/o Dhannu.
16. Shri Balia s/o Danna.
17. Shri Purnu s/o Dhannu.
18. Shri Madan s/o Dhannu.
19. Shri Het Ram s/o Nazru.
20. Shri Mushu Ram s/o Shri Nazru.
21. Shri Mazazi s/o Shri Sadhu.

Village Kushah:

1. Shri Hari Ram s/o Daya Ram.
2. Shri Ram Lal s/o Shri Kapuru Ram.
3. Shri Paras Ram s/o Chinku.
4. Shri Shiv Ram s/o Durga Ram.
5. Shri Shob Ram s/o Durga Ram.
6. Shri Hari Nand s/o Durga Ram.
7. Shri Atma Ram s/o Shri Uma Dutt.

All villagers of Pargana Bari (Dhami), Tehsil and District Simla.

Take notice that on an application made by Shri Devinder Gupta Advocate on behalf of the plaintiffs under Order I, Rule 8, C.P.C. read with section 151 C.P.C. for permitting them to sue in representative capacity the defendants praying for a decree for permanent injunction restraining defendants in any manner with the right of using the portion of village path which passes through the land comprised in Khasra Nos. 66-65-64-78 and again through Khasra No. 64 and the Thani of the defendants situated at village Naya Khad, Mauza Kashah, Pargana Bari (Dhami), Tehsil and District Simla by the plaintiffs and other residents of village Ganeog, Bhukho, Darol, Behra, Kashah in Pargana Bari, Tehsil and District Simla and for mandatory injunction regarding removal offences and obstructions caused therein and Shri Govind Ram, Khem Dutt, Atma Ram, Narain Dass and Janki Ram of village Ganeog, Bhukho, Darol, Nehra and Kashah respectively have been permitted to sue in representative capacity for and on your behalf and on behalf of other residents of these villages, therefore a notice is hereby given to all of you and all other concerned informing about the institution of the suit. In case any person on whose behalf and for whose benefit the suit has been instituted may apply on or before 2-12-1975 to this Court to be made a party to the suit.

Given under my hand and the seal of the Court this
13th November, 1975.

Seal.

SURENDRA PRAKASH,
Senior Sub-Judge, Simla.

इशतहार जेर आर्डर 5, रूल 20, जान्ता दीवानी

व अदालत श्री ठाकुर राम नेगी साहिब, भूप्रबन्ध सहायक समाहर्ता,
द्वितीय श्रेणी, कांगड़ा संरकल, कांगड़ा, हिमाचल प्रदेश

विषय: तस्दीक इन्तकाल नं० 609 मफकूद-उल-खवरी महाल
नटेहड, मौजा उजैन, तहसील व जिला कांगड़ा हदबस्त नं० 36/7
सीहणू पुत्र चुहडू पुत्र सौदागर, निवासी हलडे कला

बाबक्त तस्दीक इन्तकाल उक्त दिनांक 23-7-75 व 10-11-75
जलसा अमल में तस्दीक हुआ कि सीहणू पुत्र चुहडू मालिक अरसा
30-31 वर्ष से लापता है। जब वह लापता हुआ तो उसकी आयु
19-20 वर्ष की थी और अविवाहित था—लापता होने के बाद
उसकी ओर से नजदीकी व रिश्तेदार व भाई बहन को कोई चिट्ठी
पत्री नहीं आई और न ही उसके जीवित या मृत्यु का किसी को ज्ञान
है। आम जनता कयास करती है कि अब सीहणू मजकूर इस जहां
में जीवित नहीं है। अतः इशतहार हजा द्वारा आम व खास को
सूचना दी जाती है कि अगर सीहणू मजकूर जीवित हो तो वह एक
माह के भीतर असालतन या वकालतन हाजिर आ कर पंरबी करें।
मयाद इशतहार गुजरने पर कयास किया जायेगा कि अब सीहणू
मजकूर इस जहां में जीवित नहीं है और उक्त इन्तकाल बहक
जाईज वारसान रामदास, चढ़तू, रतन चन्द आतागण व श्रीमती
माला हमशीराग्रश भाग बराबर तस्दीक किया जायेगा।

इशतहार हजा आज दिनांक 10-11-75 को हमारे हस्ताक्षर व
मोहर अदालत से जारी हुआ

मोहर।

ठाकुर राम नेगी,
भूप्रबन्ध सहायक समाहर्ता,
द्वितीय श्रेणी, कांगड़ा।

अज अदालत श्री राम सरूप वाली, तहसीलदार (AC. II-G),
कण्डाघाट, जिला सोलन, (हिमाचल प्रदेश)

दरखास्त श्रीमती लछमी देवी धर्म पुत्री मृतक श्री हिमा पुत्र
धौलू, साकिन नगाली, परगना चायल, तहसील कण्डाघाट,
जिला सोलन बाबत तसदीक करने इन्तकाल बरासत मृतक श्री
हिमा बहक सायला श्रीमती लछमी देवी धर्म पुत्री हिमा मृतक
उपरोक्त।

बजरिया इशतहार हर खासो आम को सूचित किया जाता है
कि उपरोक्त दरखास्त में मिति 1-12-1975 को अमल दरामद
होकर इन्तकाल बरासत मृतक श्री हिमा का बहक श्रीमती लछमी
देवी उपरोक्त सायला के तसदीक होना है। जिस किसी भी आदमी
को इस बरासत इन्तकाल के तसदीक होने में कोई उज्जर होवे मिति
1-12-75 को सुबह 10 बजे हमारी अदालत में असालतन
या वकालतन हाजिर आकर अपना उज्जर पेश करें। बाद मिति नियत
व समय किसी का उज्जर नहीं सुना जायेगा।

आज हमारे दस्तखत व मोहर अदालत से जारी हुआ। मिति
10-11-75।

मोहर।

राम सरूप वाली,
एसिस्टेंट कुलैक्टर II ग्रेड,
कण्डाघाट (हि० प्र०)।

अज अदालत श्री राम सरूप वाली, (AC.I-G.) तहसीलदार
साहिब, कण्डाघाट, जिला सोलन, (हिमाचल प्रदेश)

मुकदमा नं० 1/T. रजुआ 4-2-1975

सर्वश्री सत्त राम, रूप राम व लच्छी राम, पुत्रान राम सरन,
साकनान मौजा सनेट, परगना बागी, तहसील कण्डाघाट, जिला
सोलन

सायलान।

बनाम

सर्वश्री हेम राम, रती राम व बस्ती राम पिसरान जानकी राम,
साकनान मौजा महोग, परगना बागी, तहसील कण्डाघाट, जिला
सोलन

मसूलइलम।

दरखास्त तकसीम अराजी तादादी 120 बीघा 10 बिस्वा वाका
मौजा महोग

उपरोक्त मुकदमा में बजरिया इशतहार हजा हर एक मसूलइलम
व खासो आम को सूचित किया जाता है कि मुकदमा बाला में
पेशी मिति 1-12-1975 नियत की गई है। इसलिए जिस किसी
मसूलइलम को तकसीम होने में कोई इतराज हो मिति 1-12-1975
सुबह 10 बजे हमारी अदालत में असालतन या वकालतन हाजिर
आकर मुकदमा हजा की पंरबी कर। अगर मसूलइलम मिति
नियत 1-12-75 को हाजिर न आये तो उनके खिलाफ कार्यवाही एक
तरफा अमल में लाई जायेगी। बाद मिति नियत व समय किसी
का भी उज्जर नहीं सुना जाएगा।

आज हमारे दस्तखतों व मोहर अदालत से जारी हुआ। मिति
10-11-1975।

मोहर।

राम सरूप वाली,
एसिस्टेंट कुलैक्टर, I ग्रेड,
कण्डाघाट (हि० प्र०)।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

NOTIFICATIONS

Simla-2, the 20th January, 1975

No. LLR-E(9)2/74.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public.

1. The Indian Telegraph (Amendment) Act, 1974 (48 of 1974).
2. The Indian Works of Defence (Amendment) Act, 1974 (30 of 1974).
3. The Reserve Bank of India (Amendment) Act, 1974 (51 of 1974).
4. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974).
5. The Navy (Amendment) Act, 1974 (53 of 1974).
6. The Small Coins (Offences) Amendment Act, 1974 (49 of 1974).

M. C. PADAM,
Under Secretary.

Assented to on, 30th November, 1974.

THE INDIAN TELEGRAPH (AMENDMENT) ACT, 1974

(ACT No. 48 OF 1974)

AN

ACT

further to amend the Indian Telegraph Act, 1885.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Telegraph (Amendment) Act, 1974.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 7.*—In section 7 of the Indian Telegraph Act, 1885 (13 of 1885) (hereinafter referred to as the principal Act),—

(i) in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(ee) the charges in respect of any application for providing any telegraph line, appliance or apparatus;”;

(ii) in sub-section (5), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following,” the words “which may be comprised in one session or in two or more successive sessions, and if,

before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

3. *Validation.*—The levy and collection of any charges made during the period commencing from the 1st December, 1969 and ending with the commencement of this Act in respect of any application under rule 414 of the Indian Telegraph Rules, 1885 for providing any telegraph line, appliance or apparatus shall be deemed to have been made in accordance with law and accordingly no such levy or collection shall be called in question in any court and no suit or other proceeding shall be maintained in any court for the refund of such charges or for any other relief in relation to such application.

Assented to on 12th December, 1974.

THE INDIAN WORKS OF DEFENCE (AMENDMENT) ACT, 1974

(ACT No. 50 OF 1974)

AN

ACT

further to amend the Indian Works of Defence Act, 1903.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Indian Works of Defence (Amendment) Act, 1974.

2. *Amendment of section 1.*—In section 1 of the Indian Works of Defence Act, 1903 (7 of 1903), hereinafter referred to as the principal Act), in sub-section (1), the word “Indian” shall be omitted.

3. *Amendment of section 37.*—In section 37 of the principal Act, for the words and brackets, “or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police”, the words and brackets “or (within any area for which a Commissioner of Police has been appointed) to the Commissioner of Police” shall be substituted.

4. *Amendment of section 44.*—In section 44 of the Principal Act,—

(i) in sub-section (1), for the words “The Central Government may make rules”, the words “The Central Government may, by notification in the Official Gazette, make rules” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,

both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Assented to on 13th December, 1974.

THE RESERVE BANK OF INDIA (AMENDMENT) ACT, 1974

(ACT NO. 51 OF 1974)

AN

ACT

further to amend the Reserve Bank of India Act, 1934

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Reserve Bank of India (Amendment) Act, 1974.

2. *Amendment of section 2.*—In section 2 of the Reserve Bank of India Act, 1934 (2 of 1934), (hereafter in this Act referred to as the principal Act),—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) "agricultural operations" includes animal husbandry, dairy and poultry farming, pisciculture and other allied activities, whether or not undertaken jointly with agricultural operations;"

(ii) after clause (aii), the following clause shall be inserted, namely:—

"(aiii) "Bank for International Settlements" means the body corporate established with the said name under the law of Switzerland in pursuance of an agreement dated the 20th January, 1930, signed at The Hague;"

(iii) after clause (c), the following clauses shall be inserted, namely:—

"(ca) "International Development Association" means the "Association" referred to in the International Development Association (Status, Immunities and Privileges) Act, 1960 (32 of 1960);

"(cb) "International Finance Corporation" means the "Corporation" referred to in the International Finance Corporation (Status, Immunities and Privileges) Act, 1958 (42 of 1958);

"(cc) "International Monetary Fund" and "International Bank for Reconstruction and Development" mean respectively the "International Fund" and the "International Bank", referred to in the International Monetary Fund and Bank Act, 1945;"

(iv) after clause (ci), the following clause shall be inserted, namely:—

"(cia) "pisciculture" includes the development of fisheries, both inland and marine, catching of fish and all other activities connected therewith or incidental thereto;"

3. *Substitution of Banking Regulation Act, 1949, in place of Banking Companies Act, 1949.*—In the principal Act, for the words and figures "Banking Companies Act, 1949", wherever they occur, the words and figures "Banking Regulation Act, 1949" shall be substituted.

4. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (4), after the words "for a period of four years", the words "and thereafter until his successor shall have been nominated" shall be inserted.

5. *Amendment of section 9.*—In section 9 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every member of a Local Board shall hold office for a term of four years and thereafter until his successor shall have been appointed and shall be eligible for re-appointment."

6. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) in clause (2),—

(A) in sub-clause (a), after the words "or a State co-operative bank", the words "or any financial institution, which is predominantly engaged in the acceptance or discounting of bills of exchange and promissory notes and which is approved by the Bank in this behalf" shall be inserted;

(B) in sub-clause (b),—

(a) after the words "or a State co-operative bank", the words "or any financial institution, which is predominantly engaged in the acceptance or discounting of bills of exchange and promissory notes and which is approved by the Bank in this behalf" shall be inserted;

(b) for the words "financing seasonal agricultural operations", the words "financing agricultural operations" shall be substituted;

(C) in sub-clause (bb), after the words "or a State Financial Corporation", the words "or any financial institution, which is predominantly engaged in the acceptance or discounting of bills of exchange and promissory notes and which is approved by the Bank in this behalf" shall be inserted;

(ii) after clause (3A), the following clause shall be inserted, namely:—

"(3B) the making to any scheduled bank or State co-operative bank of loans and advances repayable on demand or on the expiry of fixed periods not exceeding one hundred and eighty days against promissory notes of such bank:

Provided that the borrowing bank furnishes a declaration in writing to the effect that it has made loans and advances for *bona fide* commercial or trade transactions or for financing agricultural operations or the marketing of crops or for other agricultural purposes as set out in the declaration and the said declaration includes such other particulars as may be required by the Bank;”;

(iii) in sub-clause (d) of clause (4), for the words “financing seasonal agricultural operations”, the words “financing agricultural operations”, shall be substituted;

(iv) for the proviso to clause (4A) the following proviso shall be substituted, namely:—

“Provided that the previous approval of the State Government shall be obtained for the borrowing by the State Financial Corporation and the amount of loans and advances granted to that Corporation under this clause shall not, at any time, exceed in the aggregate ninety per cent of the paid-up share capital thereof.”;

(v) in clause (11),—

(a) after the words and figures “the Industrial Finance Corporation Act, 1948”, the words “or any other body corporate which is established or constituted by or under any other law” shall be inserted, and, for the words “any such person”, the words “any such person or authority” shall be substituted;

(b) in sub-clause (f), the words “in respect of the aforesaid Corporation,” and the word “its” shall be omitted.

7. *Amendment of section 18.*—In section 18 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening paragraph, the brackets and figure “(1)” shall be omitted;

(ii) for the words “under this sub-section”, the words “under this section” shall be substituted;

(iii) the words, brackets, letters and figures “sub-clauses (a) and (b) of clause (2) or sub-clause (a) or (b) of clause (3) or clause (4) of” shall be omitted;

(b) for clause (1), the following clause shall be substituted, namely:—

“(1) purchase, sell or discount any bill of exchange or promissory note though such bill or promissory note is not eligible for purchase or discount by the Bank under that section; or”;

(c) for clause (3), the following clause shall be substituted, namely:—

“(3) make loans or advances to—

(a) a State co-operative bank, or

(b) on the recommendation of a State co-operative bank, to a co-operative society registered within the area in which the State co-operative bank operates, or

(c) any other person,

repayable on demand or on the expiry of fixed periods, not exceeding ninety days, on such terms and conditions as the Bank may consider to be sufficient.”;

(d) sub-section (2) shall be omitted.

8. *Insertion of new section 18A.*—After section 18 of the principal Act, the following section shall be inserted, namely:—

“18A. *Validity of loan or advance not to be questioned.*—Notwithstanding anything to the contrary contained in any other law for the time being in force,—

(a) the validity of any loan or advance granted by the Bank in pursuance of the provisions of this Act shall not be called in question merely on the ground of non-compliance with the requirements of such other law as aforesaid or of any resolution, contract, memorandum, articles of association or other instrument:

Provided that nothing in this clause shall render valid any loan or advance obtained by any company or co-operative society where such company or co-operative society is not empowered by its memorandum to obtain loans or advances;

(b) where a loan or advance has been granted under clause (3A) or under clause (3B) of section 17 or a loan or advance granted under clause (3) of section 18 by the Bank to any person has been applied by such person, wholly or in part in making a loan or advance to any borrower, any sum received—

(i) by the borrowing bank on account of bills of exchange in respect of which the declaration under clause (i) of the proviso to clause (3A) of section 17 has been furnished or in repayment or realisation of the outstanding loans and advances referred to in clause (ii) of the said proviso or in the proviso to clause (3B) of the said section, or

(ii) by the borrowing bank or any other person in repayment or realisation of loans and advances granted to a borrower out of funds obtained by it or by him from the Bank under section 18, shall be utilised only for the repayment by the borrowing bank or other person, as the case may be, of the amounts due to be repaid by it or by him to the Bank, and shall be held by it or by him in trust for the Bank, until such time as the amounts are so repaid.”

9. *Omission of section 32.*—Section 32 of the principal Act shall be omitted.

10. *Amendment of section 33.*—In section 33 of the principal Act,—

(i) in sub-section (3),—

(a) for the word, brackets and letter “sub-clause (b)”, the words, brackets and letters “sub-clause (b) or sub-clause (bb)” shall be substituted;

(b) the words, brackets and figure "of sub-section (1)" shall be omitted;

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) For the purposes of this section, the foreign securities which may be held as part of the assets shall be—

(i) securities of the following kinds payable in the currency of any foreign country which is a member of the International Monetary Fund, namely:—

(a) balances with the bank which is the principal currency authority of that foreign country and any other balances or securities in foreign currency maintained with or issued by the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association or the International Finance Corporation or the Bank for International Settlements or any commercial bank notified by the Central Government in this behalf, provided that they are repayable within a period of five years;

(b) bills of exchange bearing two or more good signatures and drawn on and payable at any place in that foreign country and having a maturity not exceeding ninety days; and

(c) Government securities of that foreign country maturing within five years;

(ii) any drawing rights representing a liability of the International Monetary Fund."

11. *Amendment of section 42.*—In section 42 of the principal Act,—

(A) in the *Explanation* below sub-section (1), in clause (c),—

(a) in sub-clause (ii), the words "or from the State Bank or from any other bank notified by the Central Government in this behalf, and" shall be omitted;

(b) in sub-clause (iii), the words "required to be" shall be omitted;

(c) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iv) in the case of a State co-operative bank, which has granted an advance against any balance maintained with it, such balance to the extent of the amount outstanding in respect of such advance;"

(d) after clause (c), the following clauses shall be inserted, namely:—

(d) the aggregate of the "liabilities" of a scheduled bank which is not a State co-operative bank, to,—

(i) the State Bank;

(ii) a subsidiary bank as defined in section 2 of

the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);

(iii) a corresponding new bank constituted by section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);

(iv) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);

(v) a co-operative bank; or

(vi) any other financial institution notified by the Central Government in this behalf,

shall be reduced by the aggregate of the liabilities of all such banks and institutions to the scheduled bank;

(e) the aggregate of the "liabilities" of a scheduled bank which is a State co-operative bank, to,—

(i) the State Bank;

(ii) a subsidiary bank as defined in section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);

(iii) a corresponding new bank constituted by section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);

(iv) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949); or

(v) any other financial institution notified by the Central Government in this behalf,

shall be reduced by the aggregate of the liabilities of all such banks and institutions to the State co-operative bank;"

(B) in sub-section (2),—

(a) in clause (a), for the words "other than the State Bank and any other bank notified by the Central Government in this behalf", the words "classifying them into demand and time liabilities" shall be substituted;

(b) clause (aa) shall be omitted;

(c) in the first proviso, for the words "Provided that", the following shall be substituted, namely:—

"Provided that the Bank may, by notification in the Gazette of India, delete or modify or add to any of the particulars specified in the foregoing clauses:

Provided further that";

(d) in the second proviso, for the words "Provided further that where the Bank is satisfied", the words "Provided also that where the Bank is satisfied" shall be substituted.

12. *Substitution of section 43.*—For section 43 of the principal Act, the following section shall be substituted, namely:—

"43. *Publication of consolidated statement by the Bank.*—The Bank shall cause to be published each week a consolidated statement showing the aggregate liabilities and assets of all the scheduled banks together, based on the returns and information received under this Act or any other law for the time being in force."

13. *Amendment of section 45A.*—In section 45A of the principal Act,—

(A) in clause (a), for the words "or any other banking or financial institution notified by the Central Government in this behalf", the words, brackets and figures "any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), any corresponding new bank constituted by section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), and any other financial institution notified by the Central Government in this behalf" shall be substituted;

(B) in clause (c),—

(i) in sub-clause (ii), after the words "taken from any borrower", the words "or class of borrowers" shall be inserted, and, for the words "granted to him; and" the words "granted to him or to such class;" shall be substituted;

(ii) in sub-clause (iii), after the words "any of its customers", the words "or any class of its customers;" shall be inserted;

(iii) after sub-clause (iii), the following sub-clauses shall be inserted, namely:—

"(iv) the means, antecedents, history of financial transactions and the creditworthiness of any borrower or class of borrowers;

(v) any other information which the Bank may consider to be relevant for the more orderly regulation of credit or credit policy."

14. *Amendment of section 45E.*—In section 45E of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

"(c) the disclosure or publication by the banking company or by the Bank of any credit information to any other banking company or in accordance with the practice and usage customary among bankers or as permitted or required under any other law:

Provided that any credit information received by a banking company under this clause shall not be published except in accordance with the practice and usage customary among bankers or as permitted or required under any other law."

15. *Omission of section 45G.*—Section 45G of the principal Act shall be omitted.

16. *Amendment of section 45H.*—In section 45H of the principal Act, in the proviso, for the words "Madras Industrial Investment Corporation Limited", the words "Tamil Nadu Industrial Investment Corporation Limited" shall be substituted.

17. *Amendment of section 45 I.*—In section 45 I of the principal Act,—

(i) after clause (b), the following clause shall be inserted, namely:—

"(bb) "deposit" shall include, and shall be deemed always to have included, any money received by a non-banking institution by way of deposit, or loan or in any other form, but shall not include amounts raised, by way of share capital, or contributed as capital by partners of a firm;"

(ii) for clause (c) including the *Explanation*, the following shall be substituted, namely:—

"(c) "financial institution" means any non-banking institution which carries on as its business or part of its business any of the following activities, namely:—

(i) the financing, whether by way of making loans or advances or otherwise, of any activity other than its own;

(ii) the acquisition of shares, stock, bonds, debentures or securities issued by a Government or local authority or other marketable securities of a like nature;

(iii) letting or delivering of any goods to a hirer under a hire-purchase agreement as defined in clause (c) of section 2 of the Hire-Purchase Act, 1972 (26 of 1972);

(iv) the carrying on of any class of insurance business;

(v) managing, conducting or supervising, as foreman, agent or in any other capacity, chits or kuries as defined in any law which is for the time being in force in any State, or any business, which is similar thereto;

(vi) collecting, for any purpose or under any scheme or arrangement by whatever name called, monies in lump sum or otherwise, by way of subscriptions or by sale of units, or other instruments or in any other manner and awarding prizes or gifts, whether in cash or kind, or disbursing monies in any other way, to persons from whom monies are collected or to any other person,

but does not include any institution, which,—

(i) is an industrial concern as defined in clause (c) of section 2 of the Industrial Development Bank of India Act, 1964 (18 of 1964), or

(ii) carries on as its principal business,—

(a) agricultural operations; or

(b) the purchase or sale of any goods (other than securities) or the providing of any services; or

(c) the purchase, construction or sale of immovable property, so however, that no portion of the income of the institution is derived from

the financing of purchases, constructions or sales of immovable property by other persons;".

18. *Amendment of section 45K.*—In section 45K of the principal Act, sub-section (5) shall be omitted.

19. *Insertion of new section 45MA.*—After section 45M of the principal Act, the following section shall be inserted, namely:—

"45MA. *Powers and duties of auditors.*—(1) It shall be the duty of an auditor of a non-banking institution to inquire whether or not the non-banking institution has furnished to the Bank such statements, information or particulars relating to or connected with deposits received by it, as are required to be furnished under this Chapter, and the auditor shall, except where he is satisfied on such inquiry that the non-banking institution has furnished such statements, information or particulars, make a report to the Bank giving the aggregate amount of such deposits held by the non-banking institution.

(2) Where, in the case of a non-banking institution, being a company, the auditor has made, or intends to make, a report to the Bank under sub-section (1), he shall include in his report under sub-section (2) of section 227 of the Companies Act, 1956 (1 of 1956), the contents of the report which he has made, or intends to make, to the Bank."

20. *Amendment of section 45N.*—In section 45N of the principal Act, for sub-section (1), the following sub-section shall be substituted namely:—

"(1) The Bank may, at any time, cause an inspection to be made by one or more of its officers or employees or other persons (hereafter in this section referred to as the inspecting authority)—

(i) of any non-banking institution, including a financial institution, for the purposes of verifying the correctness or completeness of any statement, information or particulars furnished to the Bank or for the purpose of obtaining any information or particulars which the non-banking institution has failed to furnish on being called upon to do so; or

(ii) of any non-banking institution being a financial institution, if the Bank considers it necessary or expedient to inspect that institution."

21. *Insertion of new section 45NA.*—After section 45N of the principal Act, the following section shall be inserted, namely:—

"45NA. *Deposits not to be solicited by unauthorised persons.*—No person shall solicit on behalf of any non-banking institution either by publishing or causing to be published any prospectus or advertisement or in any other manner deposits of money from the public unless—

(a) he has been authorised in writing by the said non-banking institution to do so and

specifies the name of the institution which has so authorised him, and

(b) the prospectus or advertisement complies with any order made by the Bank under section 45J and with any other provision of law for the time being in force, applicable to the publication of such prospectus or advertisement."

22. *Omission of sections 45O and 45P.*—Sections 45O and 45P of the principal Act shall be omitted.

23. *Amendment of section 46A.*—In section 46A of the principal Act, in sub-section (2),—

(i) in clause (b), for the words "agricultural purposes or for such other purposes connected with the agricultural activities as the Central Board may, from time to time, by regulation or otherwise, determine", the words "agricultural and allied purposes including purposes of animal husbandry or pisciculture or such other purposes connected with agricultural operations as the Bank may, from time to time, determine" shall be substituted;

(ii) after each of the provisos to clause (b) and clause (c), the following further proviso shall be added to each of the said clauses, namely:—

"Provided further that such guarantee may be waived by the Bank if other security to the satisfaction of the Bank is available, or if, for reasons to be recorded by it in writing, the Bank is satisfied that a guarantee or other security is not necessary;"

24. *Amendment of section 58.*—In section 58 of the principal Act, sub-section (3) shall be renumbered as sub-section (5) thereof and before sub-section (5), as so re-numbered, the following sub-sections shall be inserted, namely:—

"(3) Any regulation made under this section shall have effect from such earlier or later date as may be specified in the regulation.

(4) Every regulation shall, as soon as may be after it is made by the Central Board, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

25. *Insertion of new section 58A.*—After section 58 of the principal Act, the following section shall be inserted, namely:—

"58A. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or

the Bank or any other person in respect of anything which is in good faith done or intended to be done under this Act or in pursuance of any order, regulation or direction made or given thereunder.

- (2) No suit or other legal proceeding shall lie against the Central Government or the Bank for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or in pursuance of any order, regulation or direction made or given thereunder."

26. *Insertion of new sections 58B, 58C, 58D, 58E, and 58F.*—After section 58A of the principal Act, the following Chapter and sections shall be inserted, namely:

CHAPTER V

PENALTIES

58B. *Penalties.* (1) Whoever in any application, declaration, return, statement, information or particulars made, required or furnished by or under or for the purposes of any provisions of this Act, or any order, regulation or direction made or given thereunder or in any prospectus or advertisement issued for or in connection with the invitation by any person, of deposits of money from the public wilfully makes a statement which is false in any material particular knowing it to be false or wilfully omits to make a material statement shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

- (2) If any person fails to produce any book, account or other document or to furnish any statement, information or particulars which, under this Act or any order, regulation or direction made or given thereunder, it is his duty to produce or furnish or to answer any question put to him in pursuance of the provisions of this Act or of any order, regulation or direction made or given thereunder, he shall be punishable with fine which may extend to two thousand rupees in respect of each offence and if he persists in such failure or refusal, with further fine which may extend to one hundred rupees for every day, after the first during which the offence continues.
- (3) If any person contravenes the provisions of section 31, he shall be punishable with fine which may extend to the amount of the bill of exchange, bond, promissory note or engagement for payment of money in respect whereof the offence is committed.
- (4) If any person discloses any credit information, the disclosure of which is prohibited under section 45E, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

- (5) If any person—

(a) receives any deposit in contravention of any

direction given or order made under Chapter III; or

- (b) issues any prospectus or advertisement otherwise than in accordance with section 45NA or any order made under section 45J, as the case may be,

he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend,—

- (i) in the case of a contravention falling under clause (a), to twice the amount of the deposit received; and
- (ii) in the case of a contravention falling under clause (b), to twice the amount of the deposit called for by the prospectus or advertisement.

(6) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act or of any order, regulation or direction made or given or condition imposed thereunder, any person guilty of such contravention or default shall be punishable with fine which may extend to two thousand rupees and where a contravention or default is a continuing one, with further fine which may extend to one hundred rupees for every day, after the first, during which the contravention or default continues.

58C. *Offences by companies.*—(1) Where a person committing a contravention or default referred to in section 58B is a company, every person who, at the time the contravention or default was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention or default and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention or default was committed without his knowledge or that he had exercised all due diligence to prevent the contravention or default.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the same was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer or employee of the company, such director, manager, secretary, other officer or employee shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation 1.—Any offence punishable under this Act shall be deemed to have been committed at the place where the registered office or the principal place of business, as the case may be, in India, of the company is situated.

Explanation 2.—For the purpose of this section,—

(a) "a company" means any body corporate and includes a corporation, a non-banking institution, a firm, a co-operative society or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

58D. *Application of section 58B barred.*— Nothing contained in section 58B shall apply to, or in respect of, any matter dealt with in section 42.

58E. *Cognizance of offences.*—(1) No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by an officer of the Bank, generally or specially authorised in writing in this behalf by the Bank, and no court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class or a court superior thereto shall try any such offence.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) a Magistrate may, if he sees reason so to do, dispense with the personal attendance of the officer of the Bank filing the complaint, but the Magistrate may, in his discretion, at any stage of the proceedings, direct the personal attendance of the complainant.

58F. *Application of fine.*—A court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in, or towards payment of, the costs of the proceedings.

Assented to on 13th December, 1974.

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES ACT, 1974

(ACT No. 52 OF 1974)

AN

ACT

to provide for preventive detention in certain cases for the purposes of conservation and augmentation of foreign exchange and prevention of smuggling activities, and for matters connected therewith.

Whereas violations of foreign exchange regulations and smuggling activities are having and increasingly deleterious effect on the national economy and thereby a serious adverse effect on the security of the State;

And whereas having regard to the persons by whom and the manner in which such activities or violations are organised and carried on, and having regard to the fact that in certain areas which are highly vulnerable to smuggling, smuggling activities of a considerable magnitude are clandestinely organised and carried on, it is necessary for the effective prevention of such activities and violations to provide for detention of persons concerned in any manner therewith;

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

(2) It extends to the whole of India.

(3) It shall come into force on such date (being a date not later than the twentieth day of December, 1974), as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means, as respects a detention order made by the Central Government or by an officer of the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government or a person detained under such order, the State Government;

(b) "detention order" means an order made under section 3;

(c) "foreigner" has the same meaning as in the Foreigners Act, 1946 (31 of 1946);

(d) "Indian customs waters" has the same meaning as in clause (28) of section 2 of the Customs Act, 1962 (52 of 1962);

(e) "smuggling" has the same meaning as in clause (39) of section 2 of the Customs Act, 1962 (52 of 1962), and all its grammatical variations and cognate expressions shall be construed accordingly;

(f) "State Government", in relation to a Union territory, means the administrator thereof;

(g) any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

3. *Power to make orders detaining certain persons.*—

(1) The Central Government or the State Government or any officer of the Central Government, not below the rank of a Joint Secretary to that Government, specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government, specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person (including a foreigner), that, with a view to preventing him from acting in any manner prejudicial to the conservation or augmentation of foreign exchange or with a view to preventing him from—

(i) smuggling goods, or

(ii) abetting the smuggling of goods, or

(iii) engaging in transporting or concealing or keeping smuggled goods, or

(iv) dealing in smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods, or

(v) harbouring persons, engaged in smuggling

goods or in abetting the smuggling of goods.

it is necessary so to do, make an order directing that such person be detained.

(2) When any order of detention is made by a State Government or by an officer empowered by a State Government, the State Government shall, within ten days, forward to the Central Government a report in respect of the order.

(3) For the purposes of clause (5) of article 22 of the Constitution, the communication to a person detained in pursuance of a detention order of the grounds on which the order has been made shall be made as soon as may be after the detention, but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days, from the date of detention.

4. *Execution of detention orders.*—A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (2 of 1974).

5. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

- (a) to be detained in such place and under such conditions including conditions as to maintenance, interviews or communication with others, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and
- (b) to be removed from one place of detention to another place of detention, whether within the same State or in another State by order of the appropriate Government:

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

6. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

- (a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or the officer making the order of detention, or
- (b) that the place of detention of such person is outside the said limits.

7. *Powers in relation to absconding persons.*—(1) If the appropriate Government has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government may—

- (a) make a report in writing of the fact to a Metropolitan Magistrate or a Magistrate of the first class having jurisdiction in the place

where the said person ordinarily resides; and thereupon the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

- (b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under clause (b) of sub-section (1) shall be cognisable.

8. *Advisory Boards.*—For the purposes of sub-clause (a) of clause (4), and sub-clause (c) of clause (7) of article 22 of the Constitution,—

- (a) the Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards each of which shall consist of a Chairman and two other persons possessing the qualifications specified in sub-clause (a) of clause (4) of article 22 of the Constitution;
- (b) save as otherwise provided in section 9, the appropriate Government shall, within five weeks from the date of detention of a person under a detention order make a reference in respect thereof to the Advisory Board constituted under clause (a) to enable the Advisory Board to make the report under sub-clause (a) of clause (4) of Article 22 of the Constitution;
- (c) the Advisory Board to which a reference is made under clause (b) shall after considering the reference and the materials placed before it and after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard in person, after hearing him in person, prepare its report specifying in a separate paragraph thereof its opinion as to whether or not there is sufficient cause for the detention of the person concerned and submit the same within eleven weeks from the date of detention of the person concerned;
- (d) when there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members

shall be deemed to be the opinion of the Board:

- (e) a person against whom an order of detention has been made under this Act shall not be entitled to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential;
- (f) in every case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit and in every case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

9. *Cases in which and circumstances under which persons may be detained for longer than three months without obtaining opinion of Advisory Board.*—(1) Notwithstanding anything contained in this Act, any person (including a foreigner) in respect of whom an order of detention is made under this Act at any time before the 31st day of December, 1975 may be detained without obtaining, in accordance with the provisions of sub-clause (a) of clause (4) of article 22 of the Constitution, the opinion of an Advisory Board for a period longer than three months but not exceeding one year from the date of his detention, where the order of detention has been made against such person with a view to preventing him from smuggling goods or abetting the smuggling of goods or engaging in transporting or concealing or keeping smuggled goods and the Central Government or any officer of the Central Government, not below the rank of an Additional Secretary to that Government, specially empowered for the purposes of this section by that Government, is satisfied that such person—

- (i) smuggles or is likely to smuggle goods into, out of or through any area highly vulnerable to smuggling; or
- (ii) abets or is likely to abet the smuggling of goods into, out of or through any area highly vulnerable to smuggling; or
- (iii) engages or is likely to engage in transporting or concealing or keeping smuggled goods in any area highly vulnerable to smuggling;

and makes a declaration to that effect within five weeks of the detention of such person.

Explanation.—In this sub-section, “area highly vulnerable to smuggling” means—

- (i) the Indian customs waters;
- (ii) the inland area fifty kilometres in width from the coast of India falling within the territories of the State of Gujarat,

Karnataka, Kerala, Maharashtra, Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry; and

- (iii) such further or other inland area not exceeding one hundred kilometres in width from any coast or other border of India, as the Central Government may, having regard to the vulnerability of that area to smuggling, by notification in the Official Gazette, specify in this behalf.

(2) In the case of any person detained under a detention order to which the provisions of sub-section (1) apply, section 8 shall have effect subject to the following modifications, namely:—

- (i) in clause (b), for the words “shall within five weeks”, the words “may, at any time prior to but in no case later than three months before the expiration of one year” shall be substituted;
- (ii) in clause (c), for the words “from the date of detention of the person concerned”, the words “from the date on which the reference is made to it” shall be substituted.

(3) The case of every person detained under a detention order to which the provisions of sub-section (1) apply shall, within a period of six months from the date of detention, be reviewed [unless in the meantime a reference has been made in respect thereof to an Advisory Board constituted under clause (a) of section 8 read with sub-section (2) or such order has been revoked] by the appropriate Government in consultation with a person who is, or has been, or is qualified to be appointed, as a Judge of a High Court nominated in that behalf by that Government:

Provided that where the appropriate Government is a State Government, that Government shall also consult the Central Government in the matter.

10. *Maximum period of detention.*—The maximum period for which any person may be detained in pursuance of any detention order to which the provisions of section 9 do not apply and which has been confirmed under clause (f) of section 8 shall be one year from the date of detention and the maximum period for which any person may be detained in pursuance of any detention order to which the provisions of section 9 apply and which has been confirmed under clause (f) of section 8 read with sub-section (2) of section 9 shall be two years from the date of detention:

Provided that nothing contained in this section shall affect the power of the appropriate Government in either case to revoke or modify the detention order at any earlier time.

11. *Revocation of detention orders.*—(1) Without prejudice to the provisions of section 21 of General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked or modified—

- (a) notwithstanding that the order has been made by an officer of a State Government, by that State Government or by the Central Government;

(b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

(2) The revocation of a detention order shall not bar the making of another detention order under section 3 against the same person.

12. *Temporary release of persons detained.*—(1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions, or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

13. *Protection of action taken in good faith.*—No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other legal proceedings shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.

14. *Repeal.*—The Maintenance of Internal Security (Amendment) Ordinance, 1974 (11 of 1974), shall, on the commencement of this Act, stand repealed and accordingly the amendments made in the Maintenance of Internal Security Act, 1971 (26 of 1971), by the said Ordinance shall, on such commencement, cease to have effect.

Assented to on 16th December, 1974.

THE NAVY (AMENDMENT) ACT, 1974

(ACT NO. 53 OF 1974)

AN

ACT

further to amend the Navy Act, 1957.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Navy (Amendment) Act, 1974.

2. *Substitution of "seaman" by "sailor".*—Throughout the Navy Act, 1957 (62 of 1957) (hereinafter referred to as the principal Act), for the word "seaman", wherever it occurs, the word "sailor" shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) after clause (12), the following clause shall be inserted, namely:—

"(12 A) "naval establishment" means an establishment belonging to, or under the control of, the Indian Navy whether within or without India;";

(b) for clause (17), the following clause shall be substituted, namely:—

"(17) "petty officer" means a sailor rated as such and includes a chief petty officer and a master chief petty officer;".

4. *Amendment of section 7.*—In sub-section (2) of section 7 of the principal Act, after the words, brackets and figures "sub-section (3) of section 93" the words "or in such cases and subject to such conditions as may be prescribed" shall be inserted.

5. *Amendment of section 15.*—In sub-section (2) of section 15 of the principal Act, before the word "discharge" in both the places where it occurs, the words "dismiss or" shall be inserted.

6. *Insertion of new sections 19A and 19B.*—In Chapter V of the principal Act, after section 19, the following sections shall be inserted, namely,—

"19A. *Reinstatement of persons belonging to the Indian Naval Reserve Forces on the termination of period of training or actual service with the Indian Navy.*—(1) If a person belonging to the Indian Naval Reserve forces is, during the period of his employment under an employer called up for training or called up into actual service with the Indian Navy in pursuance of his liability under any regulations made under this Act, it shall be the duty of every such employer to reinstate the person in his employment on the termination of the period of his training or service with the Indian Navy in an occupation and under conditions not less favourable to him than those which would have been applicable to him had his employment not been so interrupted:

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the authority prescribed in this behalf and that authority shall, after considering all matters which may be put before it and after making such further inquiry into the matter as may be prescribed, pass an order—

(a) exempting the employer from the provisions of this section, or,

(b) requiring the employer to re-employ such person on such terms as the authority thinks suitable, or

(c) requiring the employer to pay to such person by way of compensation for failure or inability to re-employ, a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which an employer is convicted under this sub-section shall order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court.

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period of his training or service with the India Navy.

(4) The duty imposed by sub-section (1) upon an employer to re-employ in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually called up for training, or called up into actual service with the Indian Navy, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved, if the termination takes place after the issue of orders calling him up for training or service with the Indian Navy under this Act.

19B. *Preservation of service rights belonging to the Indian Naval Reserve Forces when called up for training on actual service with the Indian Navy.*—When any person belonging to the Indian Naval Reserve Forces and called up for training or called up into actual service with the Indian Navy in pursuance of his liability under any regulations made under this Act, has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes he shall continue, so long as he is engaged in training, or service with the Indian Navy and if he is reinstated, until such reinstatement under the provisions of this Act, to have in respect of such fund or scheme such rights as may be prescribed."

7. *Substitution of new sections for sections 34 to 37.*—For sections 34 to 37 of the principal Act, the following sections shall be substituted, namely:—

"34 *Misconduct by officers or persons in*

Command.—Every flag officer, captain or other person subject to naval law who, being in command of any ship, vessel or aircraft of the Indian Navy, or any naval establishment—

(a) fails to use his utmost exertions to bring into action any such ship, vessel or aircraft which it is his duty to bring into action; or

(b) surrenders any such ship, vessel or aircraft to the enemy when it is capable of being successfully defended or destroyed; or

(c) fails to pursue the enemy whom it is his duty to pursue or to assist to the utmost of his ability any friend whom it is his duty to assist; or

(d) in the course of any action by or against the enemy improperly withdraws from the action or from his station or fails in his own person and according to his rank to encourage the persons under his command to fight courageously; or

(e) surrenders any such naval establishment or any part of such an establishment to the enemy when it is capable of being successfully defended or when it is his duty to cause it to be destroyed,

shall,—

(a) if such act is committed with intent to assist the enemy or from cowardice, be punished with death or such other punishment as is hereinafter mentioned; and

(b) in any other case, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

35. *Misconduct by persons other than those in command.*—Every person subject to naval law who, not being in command of any naval establishment or any ship, vessel or aircraft of the Indian Navy, falls when orders to prepare for action by or against the enemy, or during any such action, to use his utmost exertions to carry the lawful orders of his superior officers into execution shall,—

(a) if such act is committed with intent to assist the enemy, be punished with death or such other punishment as is hereinafter mentioned; and

(b) in any other case, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

36. *Delaying or discouraging action or service commanded.*—Every person subject to naval law who wilfully delays or discourages upon any pretext whatsoever, any action or service which has been commanded on the part of the Navy, regular Army, or Air Force or of any forces co-operating therewith shall,—

(a) if such act is committed with intent to

assist the enemy, be punished with death or such other punishment as is hereinafter mentioned; and

(b) in any other case, be punished with imprisonment which may extend to seven years or such other punishment as is hereinafter mentioned.

37. *Penalty for disobedience in action.*—Every person subject to naval law who, being in the presence or vicinity of the enemy or having been ordered to be prepared for action by or against the enemy—

(a) deserts his post; or

(b) sleeps upon his watch,

shall be punished with death or such other punishment as is hereinafter mentioned.”.

8. *Amendment of section 41.*—In section 41 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

“(c) fails to perform or negligently performs the duty imposed on him; or”.

9. *Substitution of new section for section 42.*—For section 42 of the principal Act, the following section shall be substituted, namely:—

“42 *Mutiny defined.*—Mutiny means any assembly or combination of two or more persons subject to naval law, the Army Act, 1950 (46 of 1950), of the Air Force Act, 1950 (45 of 1950), or between persons two at least of whom are subject to naval law or any such Act,—

(a) to overthrow or resist lawful authority in the Navy, regular Army or Air Force or any part of any one or more of them or any forces co-operating therewith or any part thereof; or

(b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline or with the object of avoiding any duty or service against, or in connection with operations against, the enemy; or

(c) to show contempt to such authority in such circumstances as to make such conduct subversive of discipline; or

(d) to impede the performance of any duty or service in the Navy, regular Army or Air Force or any part of any one or more of them or any forces co-operating therewith or any part thereof.”

10. *Amendment of section 43.*—In section 43 of the principal Act, in clause (e), after the words “to suppress” the words “or prevent” shall be inserted.

11. *Amendment of section 51.*—In section 51 of the principal Act, after the words “place of duty”, the words “or any place where he is required to be” shall be inserted.

12. *Amendment of section 52.*—Section 52 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) For the purpose of sub-section (1), a person shall be deemed to be guilty of drunkenness if, owing to the influence of alcohol or any drug whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform or behaves in a disorderly manner or in a manner likely to bring discredit to the naval service.”.

13. *Amendment of section 55.*—In sub-section (1) of section 55 of the principal Act, for the word “designedly”, the word “wilfully” shall be substituted.

14. *Insertion of new sections 55A, 55B, 55C and 55D.*—After section 55 of the principal Act, the following sections shall be inserted, namely:—

“55A. *Dangerous unauthorised flying.*—Every person subject to naval law, who is guilty of any act or neglect in flying or in the use of any aircraft of the Indian Navy or in relation to any such aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person shall,—

(a) if he acts wilfully or with wilful neglect, be punished with imprisonment for a term which may extend to fourteen years; and

(b) in any other case, be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

55B. *Inaccurate certificate.*—Every person subject to naval law, who signs any certificate in relation to an aircraft or aircraft material, belonging to or in the service of the Government without ensuring the accuracy thereof, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

55C. *Low flying and annoyance by flying.*—Every person subject to naval law being the pilot of an aircraft of the Indian Navy, who—

(a) flies it at a height less than the minimum height authorised by his commanding officer or appropriate service authority except while taking off or landing, or

(b) flies it so as to cause or likely to cause unnecessary annoyance to any person, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

55D. *Disobedience of lawful command of captain of an aircraft.*—Every person subject to naval law who, while he is in an aircraft belonging to or in the use of the Government, disobeys any lawful command given by the captain of the aircraft, whether such captain is subject to naval law or

not, in relation to all matters relating to flying or handling of the aircraft or affecting the safety thereof, shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned."

15. *Amendment of section 73.*—In section 73 of the principal Act, after the words "Indian Naval Reserve Forces", the words "and every person belonging to any auxiliary forces raised under this Act" shall be inserted.

16. *Amendment of section 94.*—In section 94 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) The commanding officer of a training ship or the officer-in-charge of a naval academy may impose on any subordinate officer whilst under training such minor punishments, not higher than the punishment of severe reprimand or reprimand, as may, from time to time, be prescribed."

17. *Amendment of section 168.*—In section 168 of the principal Act,—

(i) to sub-section (3), the following proviso shall be added, namely:—

"Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do in the exigencies of service, relax, for reasons to be recorded in writing, the qualification specified in clause (b) or clause (c) in respect of any person."

(ii) to sub-section (4), the following proviso shall be added, namely:

"Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do in the exigencies of service, relax, for reasons to be recorded in writing, the qualification specified in clause (b) or clause (c) in respect of any person."

18. *Amendment of section 184.*—In sub-section (2) of section 184 of the principal Act, for clause (c), the following clauses shall be substituted, namely:—

"(c) the cases in which, and the conditions subject to which powers of punishment may be exercised under sub-section (2) of section 7.

(ca) the retirement, discharge and dismissal of persons in the naval service;

(cb) the authority to which any matter referred to in section 19A may be referred and the manner in which an enquiry may be made by that authority;"

19. *Substitution of new section for section 185.*—For section 185 of the principal Act, the following section shall be substituted, namely:—

"185. *Regulations to be laid before Parliament.*—Every regulation made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately

following the session or the successive session aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

Assented to on 10th December, 1974.

THE SMALL COINS (OFFENCES) AMENDMENT ACT, 1974

(ACT No. 49 OF 1974)

AN

ACT

to amend the Small Coins (Offences) Act, 1971.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Small Coins (Offences) Amendment Act, 1974.

2. *Amendment of section 1.*—In section 1 of the Small Coins (Offences) Act, 1971 (52 of 1971), sub-section (2) shall be omitted.

Simla-2, the 28th April, 1975

No. LLR-F(97)/75.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extra-ordinary Part II, Section I, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Constitution (Thirty-fifth Amendment) Act, 1974.
2. The Indian Tariff (Amendment) Act, 1975 (Act No. 1 of 1975).
3. The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1975 (2 of 1975).
4. The North Eastern Areas (Reorganisation) Amendment Act, 1975 (3 of 1975).
5. The Tobacco Board Act, 1975 (4 of 1975).

M. C. PADAM,
Under Secretary (Judicial).

Assented to on 22nd February 1975.

THE CONSTITUTION (THIRTY-FIFTH AMENDMENT) ACT, 1974

ACT No. 1975

AN

ACT

to further amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Constitution (Thirty-fifth Amendment) Act, 1974.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new article 2A.*—After article 2 of the Constitution, the following article shall be inserted, namely:—

“2A. *Sikkim to be associated with Union.*—Sikkim, which comprises the territories specified in the Tenth Schedule, shall be associated with the Union on the terms and conditions set out in that Schedule.”

3. *Amendment of article 80.*—In article 80 of the Constitution, in clause (1), for the words “The Council of States”, the words and figure “Subject to the provisions of paragraph 4 of the 10th schedule, the Council of States” shall be substituted.

4. *Amendment of article 81.*—In article 81 of the Constitution, in clause (1), for the words and figures “Subject to the provisions of article 331”, the words and figures “Subject to the provisions of article 331 and paragraph 4 of the Tenth Schedule” shall be substituted.

5. *Addition of Tenth Schedule.*—After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely:—

‘TENTH SCHEDULE

[Articles 2A, 80(1) and 81(1)]

PART A

TERRITORIES OF SIKKIM

Sikkim.—Sikkim comprises the following territories, namely:—

The territories which, immediately before the coming into force of the Government of Sikkim Act, 1974, were comprised in Sikkim.

PART B

TERMS AND CONDITIONS OF ASSOCIATION OF SIKKIM WITH THE UNION.

2. *Responsibilities of the Government of India.*—(1) The Government of India—

(a) shall be solely responsible for the defence and territorial integrity of Sikkim and for the conduct and regulation of the external relations of Sikkim, whether political, economic or financial;

(b) shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes, landing grounds and air navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim;

(c) shall be responsible for securing the economic and social development of Sikkim and for ensuring good administration and for the maintenance of communal harmony therein;

(d) shall be responsible for providing facilities for students from Sikkim in institutions for higher learning in India and for the employment of people from Sikkim in the public services of India (including the All-India

Services), at par with those available to citizen of India;

(e) shall be responsible for providing facilities for the participation and representation of the people of Sikkim in political institutions of India.

(2) The provisions contained in this paragraph shall not be enforceable by any court.

3. *Exercise of certain powers by the President.*—The President may, by general or special order, provide—

(a) for the inclusion of the planned development of Sikkim within the ambit of the planning authority of India while that authority is preparing plans for the economic and social development of India, and for appropriately associating officials from Sikkim in such work;

(b) for the exercise of all or any of the powers vested or sought to be vested in the Government of India in or in relation to Sikkim under the Government of Sikkim Act, 1974.

4. *Representation of Parliament.*—Notwithstanding anything in this Constitution—

(a) there shall be allotted to Sikkim one seat in the Council of States and one seat in the House of the People;

(b) the representative of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly;

(c) the representative of Sikkim in the House of the People shall be chosen by direct election, and for this purpose, the whole of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim:

Provided that the representative of Sikkim in the House of the People existence at the commencement of the Constitution (Thirty-fifth Amendment) Act, 1974, shall be elected by the members of the Sikkim Assembly;

(d) there shall be one general electoral roll for the parliamentary constituency for Sikkim and every person whose name is for the time being entered in the electoral roll of any constituency under the Government of Sikkim Act, 1974, shall be entitled to be registered in the general electoral roll for the parliamentary constituency for Sikkim;

(e) a person shall not be qualified to be the representative of Sikkim in the Council of States or the House of the People unless he is also qualified to be chosen to fill a seat in the Sikkim Assembly and in the case of any such representative—

(i) clause (a) of article 84 shall apply as if the words “is a citizen of India, and” had been omitted therefrom;

(ii) clause (3) of article 101 shall apply as if sub-clause (a) had been omitted therefrom;

(iii) sub-clause (d) of clause (1) of article 102 shall apply as if the words “is not a citizen of India, or” had been omitted therefrom;

(iv) article 103 shall not apply;

(f) every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the People, as the case may be, for all the purposes

of this Constitution except as respects the election of the President or the Vice-President:

Provided that in the case of any such representative, clause (2) of article 101 shall apply as if for the words "a House of the Legislature of a State", in both the places where they occur, and for the words "the Legislature of the State", the words "the Sikkim Assembly" had been substituted;

(g) if a representative of Sikkim, being a member of the Council of States or the House of the People, becomes subject to any of the disqualifications for being a member of the Sikkim Assembly or for being the representative of Sikkim in the Council of States or the House of the People, his seat as a member of the Council of States or the House of the People, as the case may be, shall thereupon become vacant;

(h) if any question arises as to whether a representative of Sikkim, being a member of the Council of States or the House of the People, has become subject to any of the disqualifications mentioned in clause (g) of this paragraph, the question shall be referred for the decision of the President and his decision shall be final:

Provided that before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion;

(i) the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of elections to Parliament under this paragraph of the representatives of Sikkim shall be vested in the Election Commission and the provisions of clauses (2), (3), (4) and (6) of article 324 shall, so far as may be, apply to and in relation to all such elections;

(j) Parliament may, subject to the provisions of this paragraph, from time to time by law make provision with respect to all matters relating to, or in connection with such elections to either House of Parliament;

(k) no such election to either House of Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament.

Explanation.—In this paragraph, the expression "the Sikkim Assembly" shall mean the Assembly for Sikkim constituted under the Government of Sikkim Act, 1974.

5. **Schedule not to derogate from agreements, etc.**—The provisions of this Schedule shall be, in addition to, and not in derogation of, any other power, jurisdiction, rights and authority which the Government of India has or may have in or in relation to Sikkim under any agreement, grant, usage, sufferance or other lawful arrangement.

Assented to on 6th March, 1975.

THE INDIAN TARIFF (AMENDMENT) ACT, 1975

ACT NO. 1 OF 1975

AN

ACT

Further to amend the Indian Tariff Act, 1934.

Be it enacted by Parliament in the Twenty-sixth

Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Tariff (Amendment) Act, 1975.

(2) It shall be deemed to have come into force on the 1st day of January, 1975.

2. **Amendment of First Schedule.**—In the First Schedule to the Indian Tariff Act, 1934 (32 of 1934) (hereinafter referred to as the principal Act),—

(a) in Items Nos. 28(35), 28(38), 28(38A), 28(39), 28(40), 28(40A) and 28(41), in the last column headed "Duration of protective rates of duty", for the figures "1974", wherever they occur, the figures "1977" shall be substituted;

(b) in Item No. 28(38B),—

(i) in the third column headed "Nature of duty", for the word "Revenue", wherever it occurs, the "Protective" shall be substituted;

(ii) in the last column headed "Duration of protective rates of duty" against (a) and (b), the word, figures and letters "December 31st, 1977" shall be inserted;

(c) for Item No. 28(40B), the following Items shall be substituted:—

1	2	3	4	5	6	7
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"28(40B) The following dye-intermediates, namely,—

(1) 2:6 diamino-anthraquinone,

(2) O-nitro anisole,

(3) I-chloro anthraquinone,

(4) Anthraquinone-I-sulphonic acid sodium salt—

(a) of British manu- ture;	Reve- nue	50 per cent ad va- lorem.
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(b) not of British manufacture.	Reve- nue	60 per cent ad va- lorem.
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28(40C) The following dye-intermediates, namely,—

(1) I-amino-anthraquinone,

(2) O-chloro aniline

(3) P-chloro aniline,

(4) P²-nitro anisole,

Assented to on 7th March 1975.

THE REQUISITIONING AND ACQUISITION OF
IMMOVABLE PROPERTY (AMENDMENT)
ACT 1975

ACT No. 2 OF 1975

AN

ACT

*further to amend the Requisitioning and Acquisition of
Immovable Property Act, 1952.*BE it enacted by Parliament in the Twenty-sixth
Year of the Republic of India as follows:—1. *Short title.*—This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1975.2. *Amendment of section 6.*—In section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952) (hereinafter referred to as the principal Act, in sub-section (1A), for the words “five years”, wherever they occur, the words “ten years” shall be substituted.3. *Amendment of section 8.*—In section 8 of the principal Act,—

(a) in sub-section (2), for the words “The amount of compensation payable for the requisitioning of any property shall consist of—”, the words, brackets, figures and letters “The amount of compensation payable for the requisitioning of any property shall, subject to the provisions of sub-sections (2A) and (2B), consist of—” shall be substituted;

(b) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) The recurring payment, referred to in clause (a) of sub-section (2), in respect of any property shall, unless the property is sooner released from requisition under section 6 or acquired under section 7, be revised in accordance with the provisions of sub-section (2B)—

(a) in a case where such property has been subject to requisition under this Act for the period of five years or a longer period immediately preceding the commencement of the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1975—

(i) first with effect from the date of such commencement, and

(ii) again with effect from the expiry of five years from such commencement;

(b) in a case where such property has been subject to requisition under this Act, immediately before such commencement for a period shorter than five years and the maximum period within which such property shall, in accordance with the provisions of sub-section (1A) of section 6, be released from requisition or acquired, extends beyond five years from such commencement,—

(i) first with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered

(5) 5-Chloro-o-toluidine,

(6) 1:4 diamino anthraquinone,

(7) Peri acid

(8) 2:5 dimethyl-4-chlorophenyl thioglycolic acid,

(9) Amino Iso G-acid

(a) of British manufacture; 50 per cent Decem-ber 31st, 1977,
ad valorem.(b) not of British manufacture. 60 per cent Decem-ber 31st, 1977;
ad valorem.

(d) after Item No. 28(41), the following Item shall be inserted, namely:—

“28(42) The following dye-intermediates, namely,—

(1) M-chloro-paraxylene,

(2) ortho nitro-toluene,

(3) Ortho Tolidine,

(4) Para nitro-toluene—

(a) of British manufacture; 50 per cent Decem-ber 31st, 1977,
ad valorem.(b) not of British manufacture. 60 per cent Decem-ber 31st, 1977;
ad valorem.

(e) in Items Nos. 46(a), 46(b), 46(1), 47 and 48, in the last column headed “Duration of protective rates of duty”, for the figures “1974”, wherever they occur, the figures “1979” shall be substituted.

3. *Repeal and saving.*—(1) The Indian Tariff (Amendment) Ordinance, 1974 (Ordinance 15 of 1974) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

to, or taken by, the competent authority under section 4, and

(ii) again with effect from the date of expiry of a period of five years from the date on which the revision made under sub-clause (i) takes effect;

(c) in any other case, with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered to, or taken by, the competent authority under section 4.

(2B) The recurring payment in respect of any property shall be revised by re-determining such payment in the manner and in accordance with the principles set out in sub-section (1), read with clause (a) of sub-section (2), as if such property had been requisitioned under this Act on the date with effect from which the revision has to be made under sub-section (2A)."

Assented to on 19th March, 1975.

THE NORTH-EASTERN AREAS (REORGANISATION) AMENDMENT ACT, 1975

(ACT NO. 3 OF 1975)

AN

ACT

to amend the North-Eastern Areas (Reorganisation) Act, 1971.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the North-Eastern Areas (Reorganisation) Amendment Act, 1975.

(2) It shall be deemed to have come into force on 20th day of January, 1975.

2. *Amendment of section 53.*—In section 53 of the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971) (here inafter referred to as the principal Act), in sub-section (3), for the words "three years", the words "thirty-eight months" shall be substituted.

3. *Repeal and saving.*—(1) The North-Eastern Areas (Reorganisation) Amendment Ordinance, 1975 (2 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Assented to on 19th March, 1975.

THE TOBACCO BOARD ACT, 1975

(ACT NO. 4 OF 1975)

AN

ACT

to provide for the development under the control of the Union of the tobacco industry.

Be it enacted by the Parliament in the Twenty-sixth

Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Tobacco Board Act, 1975.

(2) It extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and for different States or different parts thereof.

2. *Declaration as to expediency of control by the Union.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Board" means the Tobacco Board established under section 4;

(b) "Chairman" means Chairman of the Board;

(c) "curing" shall have the meaning assigned to it in the Central Excises and Salt Act, 1944 (1 of 1944) and all its grammatical variations and cognate expressions shall be construed accordingly;

(d) "dealer" means a dealer in tobacco;

(e) "Executive Director" means the Executive Director appointed under section 6;

(f) "export" and "import" mean, respectively, taking out of, or bringing into, India, by land, sea or air;

(g) "member" means a member of the Board and includes the Chairman;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "registered" means, except in the expression "registered grower" registered under Chapter III. of this Act and the rules made thereunder;

(j) "registered grower" means a person who has obtained a certificate of registration under section 10 for growing virginia tobacco.

CHAPTER II

THE TOBACCO BOARD

4. *Establishment and constitution of the Board.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Tobacco Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at Guntur in the State of Andhra Pradesh and the Board may, with the previous approval of the Central Government, establish offices or agencies at other places in or outside India.

(4) The Board shall consist of the following members, namely:—

- (a) a Chairman to be appointed by Central Government;
- (b) three members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;
- (c) seven members to be appointed by the Central Government to represent respectively:—
 - (i) the Ministry of the Central Government dealing with Agriculture;
 - (ii) the Ministry of the Central Government dealing with Commerce;
 - (iii) the Ministry of the Central Government dealing with Finance;
 - (iv) the Ministry of the Central Government Industrial Development;
 - (v) the Indian Council of Agricultural Research;
 - (vi) the Government of Andhra Pradesh; and
 - (vii) the Government of Karnataka;
- (d) two member to be appointed by the Central Government, by rotation in the alphabetical order, to represent the Governments of tobacco growing States other than the States of Andhra Pradesh and Karnataka;
- (e) not more than eight members to be appointed by the Central Government from amongst growers of tobacco, dealers and exporters (including packers) of tobacco and tobacco products, manufacturers of tobacco products and from amongst persons who, in the opinion of the Central Government, are experts in tobacco marketing or agricultural economics.

(5) The Board shall elect, from amongst its members a Vice-Chairman who shall exercise such of the powers and perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by Chairman.

(6) The term of office of the members and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members shall be such as may be prescribed.

(7) The Executive Director and any such officer of the Central Government (not being a member of the Board) as is deputed by the Central Government in this behalf, shall have the right to attend the meetings of the Board and take part in the proceedings thereof, but shall not have the right to vote.

(8) The Board may associate with itself in such manner and for such purposes as may be prescribed, any persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated, but shall not have the right to vote.

(9) No act or proceeding of the Board or any committee appointed by it under section 7 shall be invalidated merely by reason of—

- (a) any vacancy in or any defect in the constitution of, the Board or such committee; or
- (b) any defect in the appointment of a person acting as a member of the Board or such committee; or
- (c) any irregularity in the procedure of the Board or such committee not affecting the merits of the case.

5. *Salary and allowances and other conditions of service of Chairman.*—The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

6. *Officers of the Board and other staff.*—(1) The Central Government shall appoint an Executive Director to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(2) The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(3) The Executive Director and the Secretary shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be fixed by the Central Government.

(4) Subject to such control, restrictions and conditions (including conditions as to appointment of the officers and other employees of the Tobacco Export Promotion Council, in the event of the said Council being wound up) as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

(5) The Chairman, the Executive Director, the Secretary and other officers and employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

7. *Committees of the Board.*—(1) The Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Board shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons who are not members of the Board as it may think fit and the persons so co-opted shall have the right to attend the meetings of the

committee and take part in the proceedings of the committee but shall not have the right to vote.

8. *Functions of the Board.*—(1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the development under the control of the Central Government of the tobacco industry.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for—

- (a) regulating the production and curing of virginia tobacco having regard to the demand therefor in India and abroad;
- (b) keeping a constant watch on the virginia tobacco market, both in India and abroad, and ensuring that the growers get a fair and remunerative price for the same and that there are no wide fluctuations in the prices of the commodity;
- (c) maintenance and improvement of existing markets, and development of new markets outside India for Indian virginia tobacco and its products and devising of marketing strategy in consonance with demand for the commodity outside India, including group marketing under limited brand names;
- (d) recommending to Central Government the minimum prices which may be fixed for purposes of export of virginia tobacco with a view to avoiding unhealthy competition amongst the exporters;
- (e) regulating in other respects virginia tobacco marketing in India and export of virginia tobacco having due regard to the interests of growers, manufacturers and dealers and the nation;
- (f) propagating information useful to the growers, dealers and exporters (including packers) of virginia tobacco and manufacturers of virginia tobacco products and others concerned with virginia tobacco and products thereof;
- (g) purchasing virginia tobacco from growers when the same is considered necessary or expedient for protecting the interests of the growers and disposal of the same in India or abroad as and when considered appropriate;
- (h) promoting the grading of tobacco at the level of growers;
- (i) sponsoring, assisting, co-ordinating or encouraging scientific, technological and economic research for the promotion of tobacco industry;
- (j) such other matters as may be prescribed.

(3) Without prejudice to the generality of the provisions of sub-section (1) and subject to priority being given to matters specified in sub-section (2), the measures referred to in sub-section (1) may also provide in

relation to tobacco, other than virginia tobacco, for all or any of the matters specified in clause (c) to (g) of sub-section (2) and for this purpose any reference in those clauses to virginia tobacco shall be construed as including a reference to tobacco other than virginia tobacco.

(4) The Board shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government and such rules may in particular make provisions for ensuring that the Board functions in close liaison with Union agencies institutions and authorities concerned with the tobacco industry (including growing of tobacco) and avoids duplication of effort.

9. *Dissolution of the Board.*—(1) The Central Government may, by notification in the Official Gazette and for reasons to be specified therein, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Board to make representations against the proposed dissolution and shall consider the representations, if any, of the Board.

(2) When the Board is dissolved under the provisions of sub-section (1),—

- (a) all members, notwithstanding that their term of office has not expired, shall, from the date of dissolution, vacate their offices as such members;
- (b) all powers and duties of the Board shall, during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf;
- (c) all funds and other properties vested in the Board shall, during the period of dissolution, vest in the Central Government; and
- (d) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III

REGULATION OF PRODUCTION AND DISPOSAL OF VIRGINIA TOBACCO

10. *Registration of growers of virginia tobacco.*—

(1) No person shall grow virginia tobacco except under, and in accordance with, the conditions of a certificate of registration obtained from the Board in accordance with the rules made under this Act.

(2) In granting or refusing a certificate of registration, the Board shall have regard to the demand for virginia tobacco in India and abroad, and the suitability of the land in relation to which the certificate is applied for and such other factors as may, having regard to the needs of the virginia tobacco industry, be prescribed.

(3) A certificate of registration granted in pursuance of this section shall be valid for such period as may be prescribed.

(4) Every application for such certificate of registration shall be accompanied by such fees (not exceeding one rupee for 0.4 hectare of the land in relation to which such application has been made) as may be prescribed.

11. Registration of curers of virginia tobacco—No person other than a registered curer shall cure or undertake the curing of virginia tobacco unless he registers himself as a curer with the Board in accordance with the rules made under this Act.

12. Registration of exporters, packers, auctioneers and dealers.—No person shall export tobacco or any tobacco products or function as a packer, auctioneer of, or dealer in, tobacco unless he registers himself with the Board in accordance with the rules made under this Act.

13. Virginia tobacco to be sold at registered auction platforms.—No registered grower or curer shall sell or cause to be sold virginia tobacco elsewhere than at an auction platform registered with the Board in accordance with the rules made under this Act.

14. Application, cancellation, fees and other matters relating to registration.—The form of application and the form of certificate of registration under section 10, the form of application for registration of curers for the purposes of section 11, for registration of exporters, packers or auctioneers of, or dealers in, tobacco, for the purposes of section 12, and for registration of auction platforms for the purposes of section 13, the time within which and the manner in which such applications shall be made, the fees payable on such applications, the particulars to be specified therein, the principles and the procedure to be followed in granting and cancelling certificates of registration or the registration of auction platforms or, as the case may be, the registration as curers, exporters, packers or auctioneers of, or dealers in, virginia tobacco, the returns to be submitted by registered growers and registered curers, exporters, packers or auctioneers of, or dealers in, tobacco, and the registers to be kept by the Board shall be such as may be prescribed.

15. Power of inspection.—The Board may authorise any of its members, officers or other employees to inspect in such manner as may be prescribed any land or premises to verify the accuracy of any particulars mentioned in any application or any return referred to in section 14.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

16. Grants and loans by the Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants or loans such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

17. Constitution of the Tobacco Fund.—(1) There shall be formed a Fund to be called the Tobacco Fund and there shall be credited thereto—

- (a) the fees levied and collected under this Act or the rules made thereunder;
- (b) any sums of money paid or any loans granted by the Central Government for the purposes of this Act;

(c) any grants or loans that may be made by any person for the purposes of this Act;

(d) the sums, if any, realised by the Board in carrying out the measures referred to in section 8.

(2) The Fund shall be applied—

(a) for meeting the cost of the measures referred to in section 8;

(b) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Board;

(c) for meeting the other administrative expenses of the Board;

(d) for repayment of any loans.

18. Borrowing powers of the Board.—Subject to such rules as may be made in this behalf, the Board shall have the power to borrow on the security of the Tobacco Fund or any other asset for carrying out the purposes of this Act.

19. Accounts and audit.—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account, and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected voucher and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER V

CONTROL BY CENTRAL GOVERNMENT

20. Power to prohibit or control import and export of tobacco and tobacco products.—(1) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of tobacco and tobacco products, either generally or in specified classes of cases.

(2) All tobacco and tobacco products to which any

order under sub-section (1) applies, shall be deemed to be goods of which the import or export has been prohibited under section 11 of the Customs Act, 1962 (52 of 1962), and all the provisions of that Act shall have effect accordingly.

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962 (52 of 1962), as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

21. Directions by Central Government.—The Board shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

22. Returns and Reports.—(1) The Board shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the tobacco industry, as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as possible, after the end of each financial year, submit to the Central Government a report in such form and before such date, as may be prescribed, giving a true and full account of its activities, policy and programmes during the previous financial year.

(3) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each house of Parliament.

CHAPTER VI

MISCELLANEOUS

23. Penalties.—Any person who, being required under this Act to furnish any return, fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true, shall be punishable with fine which may extend to five hundred rupees.

24. Penalties for obstructing a member, officer or other employee of the Board in the discharge of his duties and for failure to produce books records.—Any person who—

(a) obstructs any member or any officer or other employee of the Board or any other person in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

25. Other penalties.—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in section 20 or section 23 or section 24, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

26. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

27. Jurisdiction of court.—No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

28. Previous sanction of Central Government.—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

29. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or other employee of the Central Government or of the Board or any agent of or any other person authorised by the Board, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

30. Suspension of operation of Act.—(1) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed or if it

considers it necessary or expedient so to do in the public interest, the Central Government may, by notification in the Official Gazette, suspend or relax to a specified extent, for such period as may be specified in the notification, the operation of all or any of the provisions of this Act, in all or any of the territories to which this Act extends.

(2) Where the operation of any provision of this Act has, under sub-section (1), been suspended or relaxed, such suspension or relaxation may, at any time while this Act remains in force, be removed by the Central Government by notification in the Official Gazette.

(3) Every notification issued under this section shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the previous operation of the notification.

31. Application of other laws not barred.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

32. Power of Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the powers and functions of the Vice-Chairman of the Board;
- (b) the term of office and other conditions of service of members, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, members;
- (c) the powers which may be exercised and the duties which shall be performed by the Executive Director and the Secretary;
- (d) the circumstances in which and the authority by which a member may be removed;
- (e) the holding of a minimum number of meetings of the Board every year;
- (f) the procedure to be followed at the meetings of the Board for the conduct of business and the number of members which shall form a quorum at a meeting;
- (g) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;
- (h) the matters referred to in section 14;

- (i) the powers of the Board, its Chairman, the Executive Director and committees of the Board with respect to the incurring of expenditure;
- (j) the conditions subject to which the Board may incur expenditure outside India;
- (k) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;
- (l) the form and manner in which the accounts should be maintained by the Board;
- (m) the deposit of the funds of the Board in banks and the investment of such funds;
- (n) the conditions to be observed by the Board in borrowing money;
- (o) the conditions subject to which, and the manner in which, contracts may be entered into by or on behalf of the Board;
- (p) the additional matters in respect of which the Board may undertake measures in the discharge of its functions;
- (q) the remuneration and other allowances payable to the person or persons referred to in clause (b) of sub-section (2) of section 9;
- (r) the form and manner of, and the particulars to be contained in, any returns or reports to be made to the Board under this Act;
- (s) the collection of any information or statistics in respect of tobacco or tobacco products;
- (t) any other matter which has to be, or may be, prescribed by, or provided for by rules under, this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

33. Power to make regulations.—(1) The Board may make regulations not inconsistent with this Act and the rules made thereunder for enabling it to discharge its functions under this Act.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the procedure to be followed at meetings of the committees appointed by the Board and the number of members which shall form a quorum at a meeting;

- (b) the delegation to the Chairman, members, Executive Director, Secretary or other officers of the Board, of any of the powers and duties of the Board under this Act;
- (c) the travelling, and other allowances payable to persons associated under sub-section (8) of section 4 or co-opted under sub-section (2) of section 7;
- (d) the pay and allowances and leave and other conditions of service of officers (other than those appointed by the Central Government) and other employees of the Board;
- (e) the maintenance of the accounts of the Board;
- (f) the maintenance of the registers and other records of the Board and its various committees;
- (g) the appointment by the Board of agents to discharge, on its behalf, any of its functions;
- (h) the persons by whom, and the manner in which, payments, deposits and investments may be made on behalf of the Board.

(3) No regulation made by the Board shall have effect until it has been proved by the Central Government and published in the Official Gazette, and the Central Government, in approving a regulation, may make any change therein which appears to it to be necessary.

(4) The Central Government may, by notification in the Official Gazette, cancel any regulation which it has approved and, thereupon, the regulation shall cease to have effect.

Simla-2, the 12th May, 1975

No. L.R-E(9)7/75.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

- 1. The Air Force and Army Laws (Amendment) Act, 1975 (13 of 1975).
- 2. The Trust Laws (Amendment) Act, 1975 (16 of 1975).

M. C. PADAM,
Under Secretary (Judicial).

Assented to on 29th March, 1975

THE AIR FORCE AND ARMY LAWS (AMENDMENT) ACT, 1975

(ACT, NO. 13 OF 1975)

AN

ACT

further to amend the Air Force Act, 1950 and the Army Act, 1950.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Air Force and Army Laws (Amendment) Act, 1975.

2. *Amendment of Act 45 of 1950.*—In the Air Force Act, 1950,—

(a) in section 4,—

(i) in clause (xvii), the words, “other than the State of Jammu and Kashmir” shall be omitted;

(ii) in clause (xxx), for the words “all words”, the words and brackets “all words (except the word “India”)” shall be substituted;

(b) the *Explanation* below section 72 shall be omitted.

3. *Amendment of Act 46 of 1950.*—In the Army Act, 1950,—

(a) in section 3,—

(i) in clause (viii), the words “, other than the State of Jammu and Kashmir” shall be omitted.

(ii) in clause (xxv), for the words “all words”, the words and brackets “all words (except the word “India”)” shall be substituted;

(b) the *Explanation* below section 70 shall be omitted.

4. *Repeal and saving.*—(1) The Air Force and Army Laws (Amendment) Ordinance, 1975 (3 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, any thing done or any action taken under the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 as amended by the said Ordinance shall be deemed to have been done or taken under the Air Force Act, 1950 (46 of 1950) or, as the case may be, the Army Act, 1950 as amended by this Act, as if this Act had come into force on the 25th day of January, 1975.

Assented to on 29th March, 1975

THE TRUST LAWS (AMENDMENT) ACT, 1975

(ACT, NO. 16 OF 1975)

AN

ACT

further to amend the Indian Trusts Act, 1882 and the Unit Trust of India Act, 1963.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Trust Laws (Amendment) Act, 1975.

(2) Sections 3, 4 and 5 shall come into force at once; section 6 shall come in to force on the 1st day of April, 1975; and the remaining provisions of this Act shall be deemed to have come in to force on the 7th day of January, 1975.

2. *Amendment of section 20.*—In section 20 of the

Indian Trusts Act, 1882 (2 of 1882).—

(a) in clause (e), the word “or”, occurring at the end, shall be omitted;

(b) after clause (e), the following clause shall be inserted, namely:—

“(ee) in units issued by the Unit Trust of India under any unit scheme made under section 21 of the Unit Trust of India Act, 1963 (52 of 1963); or”;

(c) in clause (f), after the words “expressly authorized by the instrument of trust,” the words “or by the Central Government by notification in the Official Gazette,” shall be inserted.

3. *Insertion of new section 3A.*—In the Unit Trust of India Act, 1963 (52 of 1963) (hereinafter referred to as the Unit Trust Act), after section 3, the following section shall be inserted, namely:—

‘3A. *Prohibition against the use of the words “Unit Trust” “Unit” or “Units” as a part of the name of any person other than the Trust.*—(1) No individual or group of individuals, or company, other than the Trust, who or which accepts money by way of any loan, deposit, investment or similar other transaction, shall use the word or words “Unit Trust”, “Unit” or “Units” as a part of his or its name.

Explanation.—For the removal of doubts it is hereby declared that nothing in this sub-section shall be deemed to prevent any individual or group of individuals, or company describing any scrip or other security issued by him or it for from any amount which has been received and repayable by him or it in the course of transaction of any business which is of the nature of a unit trust or mutual fund, as a unit certificate or units, as the case may be.

(2) If any provision of sub-section (1) is contravened, any person guilty of such contravention shall be punished with fine which may extend to two thousand rupees, and where the contravention is a continuing one, with a further fine which may extend to one hundred rupees for every day after the first during which the contravention continues.

(3) Where any provision of sub-section (1) has been contravened by a company, every person who at the time of such contravention was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided herein if he proves that the contravention was made without his knowledge or that he had exercised all due diligence to prevent the contravention.

(4) Notwithstanding anything contained in sub-section (3), where any offence under this section has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) No court shall take cognizance of any offence punishable under this section except upon a complaint in writing made by an officer of the Trust generally or specially authorized in writing in this behalf by the Trust and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try such offence.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.”

4. *Amendment of section 14.*—In section 14 of the Unit Trust Act, in sub-section (2), in clause (a), the words “and shall be eligible for re-appointment” shall be and shall be deemed always to have been, inserted at the end.

5. *Amendment of section 21.*—In section 21 of the Unit Trust Act,—

(i) in sub-section (2), after clause (g), the following clause shall be inserted, namely:—

“(ga) the application for, and the holding of, or dealing with, units by any parent of a minor;”;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

‘(2A) Where any parent of a minor holds, deals with or makes any application for the purchase of a unit on behalf of the minor, the provisions of the scheme, in pursuance of which the unit had been issued, shall be binding on the minor.’

(2B) Where the payment of any sum becomes due on, or in respect of, any unit held on behalf of a minor, such payment shall, subject to the provisions of the scheme, be made to the parent by whom the purchase of such unit was applied for or by whom such unit was acquired, as the case may be, and such parent shall be entitled to receive such payment for and on behalf of the minor; and in the event of the death of the said parent, such payment shall be made to the lawful guardian of the minor.

Explanation.—References in this section to “parent” shall be construed as including references to step-parent.”

6. *Amendment of section 32.*—In section 32 of the Unit Trust Act,—

(i) in sub-section (1),—

(a) after the words “anything contained in”, the words and figures “the Wealth-tax Act, 1957” (27 of 1957) shall be inserted;

(b) after clause (a), the following clauses shall be

inserted, namely:—

‘(b) in the case of an assessee being—

(i) an individual, or

(ii) a Hindu undivided family, or

(iii) an association of persons or a body of individuals consisting only of husband and wife governed by the system of community of property in force in the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu,

there shall be allowed, in computing the total income of the assessee, for the purposes of the Income-tax Act, 1961, (43 of 1961) a further deduction of an amount equal to so much of the income in respect of units received by the assessee during the previous year as has not been allowed by way of deduction under section 80L of the Income-tax Act, 1961, (43 of 1961), so, however, that the amount to be deducted under the provisions of this clause shall not exceed two thousand rupees.

Explanation.—In this clause, the expressions “assessee”, “previous year” and “total income” shall have the meanings respectively assigned to them in the Income-tax Act, 1961 (43 of 1961);

(ba) in the case of an assessee, being an individual or a Hindu undivided family, wealth-tax shall not be payable by the assessee in respect of, and there shall not be included in, the net wealth of the assessee computed under the Wealth-tax Act, 1957 (27 of 1957), so much of the assets in the form of units as have not been excluded from the net wealth of the assessee under section 5 of that Act; so, however, that the value of the assets excluded under this clause shall not exceed twenty-five thousand rupees.

Explanation.—In this clause, the expressions “assessee” and “net wealth” shall have the meanings respectively assigned to them in the Wealth-tax Act, 1957, (27 of 1957);

(ii) in sub-section (2), in clause (c), for the words “three thousand rupees”, wherever they occur, the words “five thousand rupees” shall be substituted.

7. *Substitution of new sections for section 39.*—For section 39 of the Unit Trust Act, the following sections shall be substituted, namely:—

“39. *No trust to be taken notice of.*—Except to the extent provided in, and except in accordance with the regulations made under this Act, no notice of a trust, express, implied or constructive, shall be receivable by the Trust.

39A. *Nomination by unit holders and agents.*—(1) Notwithstanding anything contained in any other law for the time being in force,—

(a) where a nomination in respect of any units has been made in accordance with the regulations made under this Act, the amount payable to the unit holder in respect of the said units shall, on the death of the unit holder but subject to any right, title, claim or other interest

of any other person to or in respect of the said units as provided in such regulations, and subject to any charge or encumbrance over the said units, vest in, and be payable to, the nominee;

(b) where any person appointed by the Trust as an agent for soliciting or procuring any business, including the sale of units, has nominated, in accordance with the regulations made under this Act, any person or a social or charitable institution, to receive the commission or other remuneration payable to him after his death, such commission or other remuneration shall, on the death of the person making the nomination, be payable to his nominee:

Provided that nothing contained in this section shall affect any nomination made before the date on which the Trust Laws (Amendment) Act, 1975, receives the assent of the President.

(2) A payment by the Trust under sub-section (1) shall be a full discharge to the Trust, from all liability in respect of the units, or, as the case may be, the commission or other remuneration.

39B. *Protection of certain amounts from attachment.*—Notwithstanding anything contained in any other law for the time being in force, the amount standing to the credit of a contributing institution shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the contributing institution.”

8. *Amendment of section 43.*—in section 43 of the Unit Trust Act, in sub-section (2),—

(i) in clause (n), the word “and” occurring at the end shall be omitted;

(ii) after clause (n), the following clause shall be inserted, namely:—

“(nn) the extent to which and the circumstances under which nominations may be recognized and trusts may be taken notice of; and”.

9. *Repeal and saving.*—(1) The Trust Laws (Amendment) Ordinance, 1975, (1 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Trusts Act, 1882, (2 of 1882) or the Unit Trust Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the India Trusts Act, 1882 or Unit Trust Act, as amended by this Act.

भाग 7-भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART I

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

Simla-2, the 13th November, 1975

No. 16-16/75-GAA.—It is hereby notified that the holidays enumerated in the Schedule below, shall be observed as public holidays in the Public Offices under the Himachal Pradesh Government during the calendar year 1976:—

SCHEDULE

Name of Holiday	Dates on which these fall	Saka Era	Day of the week
1. Guru Gobind Singh's Birthday	8th January	Pausa 18, 1897	Thursday.
2. Muharram	14th January	Pausa 24, 1897	Wednesday.
3. Republic Day	26th January	Magha 6, 1897	Monday.
4. Maha Shivratri	28th February	Phalgun 9, 1897	Saturday.
5. Holi	16th March	Phalgun 26, 1897	Tuesday.
6. Ramnavmi	9th April	Chaitra 20, 1898	Friday.
7. Mahavir Jayanti	12th April	Chaitra 23, 1898	Monday.
8. Himachal Day	15th April	Chaitra 26, 1898	Thursday.
9. Good Friday	16th April	Chaitra 27, 1898	Friday.
10. Budh Purnima	13th May	Vaisakha 23, 1898	Thursday.
11. Raksha Bandhan	9th August	Sravana 18, 1898	Monday.
12. Janam Ashtami	18th August	Sravana 27, 1898	Wednesday.
13. Dussehra	30th September & 1st October	Asvina 8 & 9, 1898	Thursday.
14. Mahatma Gandhi's Birthday	2nd October	Asvina 10, 1898	Friday.
15. Maharishi Balmiki's Birthday	8th October	Asvina 16, 1898	Saturday.
16. Diwali	22nd October	Asvina 30, 1898	Friday.
17. Guru Nanak's Birthday	6th November	Kartika 15, 1898	Friday.
18. Id-ul-Zuha	3rd December	Agrahayana 12, 1898	Saturday.
19. Christmas Day	25th December	Pausa 4, 1898	Friday.
			Saturday.

Note.—This list does not include (i) Statehood Day (25-1-76), (ii) Guru Ravi Dass Birthday (15-2-76), (iii) Independence Day (15-8-1976) and Id-ul-Fitr (26-9-76) which fall on Sundays.

RESTRICTED HOLIDAYS FOR 1976

1. New Year's Day	1st January	Pausa 11, 1897	Thursday.
2. Vaisakhi	13th April	Chaitra 24, 1898	Tuesday.
3. Hazrat Ali's Birthday	12th July	Asadha 21, 1898	Monday.
4. Jamatul Vida	24th September	Asvina 2, 1898	Friday.
5. Goverdhan Puja	23rd October	Kartika 1, 1898	Saturday.
6. Guru Teg Bahadur's Martyrdom Day.	25th November	Agrahayana 4, 1898	Thursday.

Note.—This list does not include Milad-un-Nabi (14-3-76) and Bhai Duj (24-10-76) which fall on Sundays.

It is further notified, that Heads of Offices shall, at their discretion grant two local holidays in the calendar year on the occasions of important fairs and festivals peculiar to the places where these are celebrated, provided that where there happen to be more than two important Fairs/Festivals, two local holidays are to be declared in consultation with the Deputy Commissioner of the respective district. But the total number of local holidays will not, in any case, be more than two in a year.

U. N. SHARMA,
Chief Secretary.

PART V

अज अदालत श्री राम सरूप वाली, A C.I-G (Tehsildar) PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.

कण्डाघाट, जिला सोलन

ख्याली राम, टेक राम, पिसरान हेत राम, सकने बाशा,
परगना बागड़ी कलां, तहसील कण्डाघाट, जिला सोलन सायलन

बनाम

In the Court of Shri R. L. Raghu, Sub-Judge, Una
District Una (H.P)

Sant Ram

Versus

Roshan Lal

CIVIL SUIT No. 455 OF 1972

Versus

श्रीमती दुरगी पुत्री नजरू, व शांकीया पुत्र देवनू, साकनान लोअर
कैथू, शिमला, हिमाचल प्रदेश मसूलइलम।

दरखवास्त बाबत द्रुस्ती गिरदावरी बाबत अराजी खसरा नं० 364,
367, 374 मिन, 374 मिन, 366/377, 321 मिन, 690 मिन,
691 मिन, 378, बाका मौजा बाशा, परगना बागड़ी कलां,
तहसील कण्डाघाट।

नोटिस बनाम श्रीमती दुरगी हिस्सेदारां

उपरोक्त दरखवास्त में श्रीमती दुरगी मालिका हिस्सादारा को
बजरीया इशतहार अग्रा किया जाता है कि वह असाबतन या बकालतन
बबबत 10 बजे मिति 3-12-75 को मुकाम कण्डाघाट, हाजिर
होकर पैरवी दरखवास्त करे। बसूरत दिगर कार्यवाही जास्ता अमल
में लाई जावेगी।

आज मिति 14-11-75 को हमारे दस्तखती व मोहर अदालत
से इशतहार हजा जारी हुआ।

मोहर।

राम स्वरूप वाली,
ऐसिस्टेंट कलेक्टर, II ग्रेड,
कण्डाघाट (हि० प्र०)।

Seal.

R. L. RAGHU,
Sub-Judge, Una.

BAR COUNCIL OF PUNJAB AND HARYANA, CHANDIGARH

NOTIFICATION

Chandigarh, the 27th October, 1975

In pursuance of rule 33 of the Bar Council of Punjab and Haryana Rules, 1968, framed by the Bar Council of Punjab and Haryana under Section 15(2)(a) and (d) of the Advocates Act, 1961, and approved by the Bar Council of India, it is hereby notified that the following twenty Advocates have been duly elected as members of the Bar Council of Punjab and Haryana under Section 3(2)(b) of the said Act as a result of Election held on the 28th and 30th July, 1975:—

Sr. No.	Name	No. on the Electoral Roll	Place of Practice
1	2	3	4
1.	Shri Sardara Singh Bhinder.	1094	Amritsar
2.	Shri Mohinder Syne Berry.	2163.	Batala
3.	Shri Naranjan Singh Domeli.	2660.	Jullundur
4.	Shri Sat Pal Sehgal.	3660.	Patiala
5.	Shri Suraj Parkash Gupta.	747.	Chandigarh
6.	Shri Karampal Singh.	356.	Chandigarh
7.	Shri Ujagar Singh.	3346.	Ludhiana
8.	Shri Khem Chand Jain.	3990.	Sangrur
9.	Shri Mohindar Pal Singh Gill.	466.	Chandigarh

1	2	3	4
10.	Shri Vijai Singh Navet.	5952.	Karnal
11.	Shri Balwant Singh Gupta.	76.	Chandigarh
12.	Shri Mohinder Singh Srea.	1338.	Bhatinda
13.	Shri Atma Ram.	5213.	Fatehabad
14.	Shri Manmohan Singh s/o	448.	Chandigarh
	Shri Bakhtawar Singh Liberhan.		
15.	Shri Mul Chand Maheshwari.	4763.	Gurgaon
16.	Mrs. Kiran Bala.	4314.	Ambala
17.	Shri Bodh Raj Majithia.	1617.	Moga
18.	Shri Hawa Singh Hooda.	273.	Chandigarh
19.	Shri Surrender Singh.	4630.	Bhiwani
20.	Shri Manmohan Lal Sarin.	447.	Chandigarh

MANGAT RAM OHRI,
Secretary-cum-Returning Officer,
Bar Council of Punjab & Haryana.

Dated: 27-10-1975.

I verify that the persons named above have been duly elected as members of the Bar Council of Punjab and Haryana as a result of election held on the 28th and 30th July, 1975.

JAGAN NATH KAUSHAL,
Advocate-General, Haryana, Chandigarh.

Dated: 27-10-1975.